

LEGISLATIVE RESEARCH COMMISSION

ADOPTION REGISTRY



REPORT TO THE
1997 GENERAL ASSEMBLY
OF NORTH CAROLINA,
REGULAR SESSION, 1998.

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LEGISLATIVE RESEARCH COMMISSION
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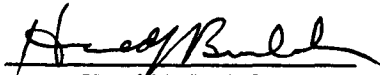


May 11, 1998

TO THE MEMBERS OF THE 1997 GENERAL ASSEMBLY (REGULAR SESSION 1998):

The Legislative Research Commission herewith submits to you for your consideration its interim report on an Adoption Registry. The report was prepared by the Legislative Research Commission's Committee on an Adoption Registry pursuant to G.S. 120-30.17(1).

Respectfully submitted,


Harold J. Brubaker
Speaker of the House


Marc Basnight
President Pro Tempore

Cochairs
Legislative Research Commission



**LEGISLATIVE RESEARCH COMMISSION
1997-1999
Membership**

President Pro Tempore

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Sen. Austin M. Allran

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Sen. Ed N. Warren

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Terry D. Sullivan

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Rep. Jerry Dockham

Rep. Beverly M. Earle

Rep. W. Eugene McCombs

Rep. Gregory J. Thompson

Clerk:

DeAnne Mangum

PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is the general purpose study group in the Legislative Branch of State Government. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

The Legislative Research Commission, prompted by actions during the 1997 Session, has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of an Adoption Registry was authorized by Part II of Session Law 1997-483. Part II of Session Law 1997-483 allows for studies authorized by that Part for the Legislative Research Commission to consider House Bill 1206 in determining the nature, scope and aspects of the study. The relevant portions of Session Law 1997-483 and House Bill 1206 are included in Appendix A. The Legislative Research Commission authorized this study under authority of G.S. 120-30.17(1) and grouped this study in its Regulation Grouping under the direction of Representative Beverly Earle. The Committee was chaired by Representative Marvin W. Aldridge and Ms. Pat Wheeler. The full membership of the Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

COMMITTEE PROCEEDINGS

The LRC Study Committee on an Adoption Registry met five times.

First Meeting -- December 18, 1997.

At its first meeting, December 18, 1997, the Committee heard Ms. Linda Attarian, Committee Counsel, give a basic background report on the study. Ms. Attarian addressed the legislative history in North Carolina of the confidentiality and disclosure of adoption records and of initiatives to establish an adoption registry, both as a prelude to analyzing the provisions of House Bill 1206. She also provided information about adoption registries in other states. A copy of her report is found at Appendix C.

The Committee heard Ms. Esther High, an adoptions specialist with the Division of Social Services in the N.C. Department of Health and Human Services, give a report on current procedures in her Division in the collection and disclosure of information contained in adoption records.

In addition, Ms. Lynn Giddens, a Committee member, presented to the Committee a package of information concerning adoption records. That material is included at Appendix D.

The Committee directed the staff to bring to the next meeting speakers with a diversity of views concerning the concept of an adoption registry.

Second Meeting -- January 28, 1998.

At the Committee's second meeting on January 28, 1998, Rep. Beverly Earle urged the members to remember that the scope of the study was an adoption registry, and not the adoption laws generally.

A panel of four members then addressed the Committee on the subject of House Bill 1206. The members were:

- Ms. Julie Bailey, an adoptive mother and a birth mother who has been reunited with her biological daughter. She advocated an active reunion registry, or open records, instead of the passive registry proposed in House Bill 1206.
- Dr. Shirley Geissinger, an adoptive mother and a researcher in the area of Child Development and Family Relations at the University of North Carolina at Chapel Hill. She urged the enactment of a registry. She said she would prefer an active registry, but said advocates may need to settle for a passive one as proposed in House Bill 1206.
- Ms. Brenda Kinney, an attorney and instructor at UNC Law School. She raised legal and constitutional questions about movement in the direction of opening adoption records or the removal of their guardianship by the judiciary.
- Mr. Parker Reist, who with his wife, Ms. Jan Reist, has long been active in opposition to more open adoption records. He said such efforts, including HB 1206, would undermine the stability of the family with adoptive children.

The written remarks of the panelists are included at Appendix E.

Ms. Elaine Franzetti of Catholic Social Ministries in Greenville addressed the Committee concerning how House Bill 1206 would affect private adoption agencies. She said the bill as introduced would help, but that an active registry would help more. Her remarks are included at Appendix F.

Ms. Meredith Mills, an adoptee, told of her recent reunion with her biological mother.

The Committee also heard from two persons who were not on the agenda:

- Ms. Carolean Craig from Another Choice for Black Children, an adoption agency.
- Ms. Gail Stern of Mandala of Chapel Hill, Inc., an adoption agency.

The remarks of those speakers are included at Appendix G.

On a motion of Rep. William Wainwright, the Committee voted to invite Rep. Julia Howard, a co-sponsor of House Bill 1206, to appear at the next meeting to address the Committee concerning her activities during the 1997 Session with regard to the bill. Rep. Wainwright expressed concern that remarks had been made during the meeting to which Rep. Howard should be given an opportunity to respond.

Third Meeting -- February 25, 1998.

At its third meeting, the Committee heard from two legislators whose names were on the introduced House Bill 1206, Rep. Cary Allred, the prime sponsor, and Rep. Jane Mosley, one of the co-sponsor. Rep. Julia Howard, the other co-sponsor, declined an invitation to appear before the Committee, citing a scheduling conflict. Both Reps. Allred and Mosley elaborated on their rationale for proposing more openness in adoption records. Rep. Mosley's remarks are at Appendix H. (Rep. Allred spoke without a text.)

The Committee then heard a presentation by Ms. Attarian, the Counsel, comparing the provisions of HB 1206 with adoption registry bills from previous sessions of the N.C. General Assembly. Her presentation also included information concerning the adoption registry law in Georgia, which utilizes confidential intermediaries. Copies of Ms. Attarian's presentation are included at Appendix I.

Ms. Sharnese Ransom of the N.C. Department of Health and Human Services gave the Committee requested data concerning the nature of requests the Department receives about adoptions. That information is included at Appendix J.

Ms. Sandy Cook of the Children's Home Society presented an opinion survey of adoptees, birth parents, and adoptive parents concerning access to adoption information. The results of that survey are included at Appendix K.

After discussion, the Committee directed the staff to mail to the members before the March 20 meeting a draft interim report to the 1998 Short Session. The report was to contain a draft of House Bill 1206 with the following changes:

- Insert a provision to allow not only an adult adoptee, but also an adoptive parent of a minor adoptee, to submit medical documentation to the Department of Health and Human Services showing a need for updated health or genetic information that could affect the health of the minor adoptee.

- Change the term "medical information" to "health or genetic information that may affect the health of the adoptee" to clarify the term and make it consistent with current law.
- Insert a provision to direct the Department to recommend voluntary counseling to all persons submitting forms to the registry.
- Change the age at which the Department is authorized to release identifying information to an adoptee about the adoptee's deceased biological mother or father from 65 to 55.
- Insert a provision in G.S. 48-9-104(a) to prohibit the release of any adoption records that reasonably could be expected to lead directly to the identity of any siblings of the adoptee who are children of the adoptive parent.
- Revise the appropriations provision of the bill to reflect the fiscal report submitted to the Committee by the Department.

Fourth Meeting -- March 20, 1998.

At its fourth meeting, March 20, 1998, the Committee considered the draft report that had been mailed to them eight days before the meeting. The Committee voted to make several changes to the text of the "Committee Proceedings" portion of the draft report.

The Committee then defeated a motion made by Co-Chair Wheeler to consider an active registry rather than a passive registry.

After the adoption of several amendments to the draft bill contained in the report, Committee voted to approve the bill as amended. The Committee set April 17 as the date of a final meeting to approve the text of the final report.

Fifth Meeting -- April 17, 1998

At its fifth meeting on April 17, 1998, the Committee approved this report, including the proposed bill at Appendix L.

FINDINGS AND RECOMMENDATIONS

FINDING I: North Carolina is one of the few states that does not provide, other than by court order, for the sharing of identifying information in the adoption records among birth parents, adopted children, and adoptive parents. The majority of people in the adoption triad feel a compelling need for a mechanism to assist adopted persons and their biological relatives in locating and contacting one another. Research has shown that 47 states have adoption registries, including three states with open record laws.

FINDING II: Concerns remain, however, that without safeguards, an open-records system could jeopardize the privacy of an adopted person, a birth relative, or an adoptive family.

RECOMMENDATION: The Committee recommends that the 1997 General Assembly, Regular Session 1998, establish a statewide, passive, confidential, mutual consent, voluntary adoption registry as embodied in the Legislative Proposal included at Appendix L of this report.

APPENDIX A

SENATE BILL 32

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS COMMISSIONS, TO CONTINUE A COUNCIL, TO DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO IMPOSE A MORATORIUM ON SERVICE CORPORATION CONVERSIONS.

The General Assembly of North Carolina enacts:

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 1997".

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Section 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor is listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 1997 Regular Session of the 1997 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study.

(30) . Adoption registry (H.B. 1206 - Allred)

.....

Section 2.11. Committee Membership. For each Legislative Research Commission committee created during the 1997-98 biennium, the cochair of the Legislative Research Commission shall appoint the committee membership.

Section 2.12. Reporting Date. For each of the topics

the Legislative Research Commission decides to study under this Part or pursuant to G.S. 120- 30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1997 General Assembly, 1998 Regular Session, or the 1999 General Assembly.

Section 2.13. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

APPENDIX B

LEGISLATIVE RESEARCH COMMISSION ADOPTION REGISTRY COMMITTEE 1997-1999

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Dr. Charles Recktenwald
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Rep. Beverly M. Earle
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Rep. Rick L. Eddins
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NC Center for the Advancement
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Rep. Howard J. Hunter, Jr.
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Rep. William L. Wainwright
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Research Division
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300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578****MEMORANDUM**

**TO: Members of the Legislative Research Commission
Adoption Registry Committee**

**FROM: Linda Attarian
Staff Attorney - Research Division**

**SUBJECT: Part 1: Legislative History of the Confidentiality and Disclosure of
Adoption Records.
Part 2: Legislative History of Initiatives to Establish an Adoption
Registry.
Part 3: House Bill 1206
Part 4: Adoption Registries in Other States.**

DATE: January 8, 1998

Part One***Legislative History of the Confidentiality and Disclosure of Adoption
Records*****1949: House Bill 203, (1949, c. 300, s. 1):**

The provisions of Chapter 48 of the North Carolina General Statutes relating to the confidentiality of adoption records were first amended in the 1947 General Session by House Bill 65, which was ratified on April 4, 1947. However, after the passage of the Act, it was discovered that an enacting clause had been omitted, and subsequently the North Carolina Supreme Court held that the omission invalidated the Act. Therefore, the provisions of House Bill 65 were not actually incorporated into Chapter 48 until the 1949 Session with the passage of House Bill 203.

Prior to 1949 and the enactment of House Bill 203, Chapter 48 did not have a separate section pertaining to the confidentiality and disclosure of adoption records. The Chapter contained only a few sentences pertaining to how the records were to be stored and maintained. The original language required the court to instruct the county

superintendent of Public Welfare or representative of a child placing agency to investigate the "conditions and antecedents" of the child, and make a written report of its findings. Note: "County superintendent of Public Welfare" changed to read county Director of Public Welfare in 1961, (1961 c. 186)]. This title was changed again in 1969 to "County Department of Social Services, (1969, c. 1969, s.1).

The report was forwarded by the Clerk of Superior Court to the State Board of Charities and Public Welfare, which was then required to index the report along with the name of the child, the names of its natural parents, the names of its adoptive parents, and the new legal name given to the child in a "book". The information contained in the book was not to be made public unless, in the opinion of a Judge of Superior Court, disclosure of information may be in the best interests of the child or to the public.

The 1949 amendments rewrote Chapter 48 and added two new sections pertaining specifically to the confidentiality and disclosure of adoption records and related information. The new sections:

- G.S. 48-25 succinctly maintained the general rule that adoption records were not to be open to public inspection, but expanded the law to reflect administrative changes over the years in how adoption records were being recorded and maintained.
- G.S. 48-26 provided that disclosure of *any necessary* information in the files or the records could only be disclosed upon a written motion in the cause before a *clerk of original jurisdiction who was authorized to issue an order to open the record*. The order issued by the clerk was required to be *reviewed and approved* by a Judge of the Superior Court. The Judge would approve the order if, in the opinion of the Judge, it would be to the best interest of the child or public to have such information disclosed. But it was the Clerk, not the Judge who actually issued the order.
- 48-26 also specifically authorized a person to appeal to the Judge in the event the Clerk refused to issue the order.

1957: House Bill 225, (1957, c. 778, s. 7):

The 1957 amendments rewrote former G.S. 48-25(b) and added a new subsection, G.S. 48-25(c). The amendments made the following changes in the 1949 law:

- specifically authorized the disclosure of information concerning the contents of the adoption proceeding as may be required *for an appeal* from a ruling of the Clerk of Superior Court (in addition to the original petition to the Clerk of Superior Court to open the record);
- broadened the scope of who was prohibited from disclosing information to the public to include not just "any person having charge of the file or record" but specifically prohibited any superintendent of public welfare *or any employee* of a public welfare department, and a licensed placing agency *or any of its employees, officers, directors or trustees*;
- clarified that confidential information included any written or verbal information relating to the child *or to its natural, legal or adoptive parents*, that was acquired in the contemplation of the adoption of the child;

- provided for adequate notice to the superintendent of public welfare or child placing agency upon a motion to the Clerk of Superior Court to open the adoption record pursuant to G.S. 48-26 (made the agency a party to the proceeding).

1979: House Bill 1180, (1979, c. 739, s. 1):

The 1979 amendments added G.S. 48-25(d), allowing for the specific disclosure of information concerning the physical or mental health of the adopted child. Specifically the subsection:

- authorization of the disclosure (not conditioned upon the issuance of an order to open the record) separate and distinct from G.S. 48-26;
 - the provision applied to any *medical record* or other information concerning the physical or mental health of the adopted child which is contained in the adoption records;
 - also applied to any background of the child's natural parents which would have a "substantial bearing" on the child's health;
 - mandated disclosure of such information when a written request was received from:
 - the adopted child who has reached majority (age 18);
 - the adoptive parents;
 - the new provision required the custodian of the record to excise any information that served to identify the natural parents including:
 - information identifying physicians, medical facilities or geographical locations.

1981: House Bill 1146, (1981 c. 924, s. 2): The 1981 amendments rewrote G.S. 48-25(d) as follows:

- required county department of social services or licensed placing agencies to provide, if available, certain non-identifying information to:
 - adoptive parents *prior* to the finalization of the adoption, (no forma request necessary);
 - adoptive parents of minor adoptees whose adoptions were finalized prior to July 10, 1981 (the date of the enactment of the bill), if a request is received in writing;
 - the adoptee, if *21 or older*, if a request is received in writing;
- limited the types of non-identifying information to:
 - the date of the birth and the birth weight of the adoptee;
 - the age of the biological parents in years, (not the date of birth), at the time of birth;
 - the heritage of biological parents, limited to the nationality, ethnic background, and race;
 - the number of years the biological parents had completed of school by the time of birth of the adoptee;
 - general physical appearance of the biological parents at the time of birth of the adoptee.

The 1981 amendments also added a new subsection (e) to G.S. 48-25 which:

- required the county department of social services to provide, if available, *a complete health history* of the biological parents and other relatives of the adoptee to:
 - the adoptive parents prior to the finalization of the adoption;
 - to any adoptee 21 years of age or older, upon written request.
 - to adoptive parents of any minor adoptee or adoptees 21 years of age or older if the adoption was finalized prior to July 10, 1981, upon written request.
- required the information to be given on a standardized form
- restricted disclosure to only information which would have a substantial bearing on the adoptee's mental or physical health (consistent with 1981 law).

1995: Senate Bill 159, (1995, c. 457):

Senate Bill 159 completely rewrote Chapter 48 and is now the current law pertaining to the adoptions of minors. The 1995 rewrite is consistent to recommendations made by the General Statutes Commission, and is substantially similar to a proposed Uniform Adoption Act, as drafted by the National Conference of Commissioners on Uniform State Laws.

The revised Chapter is consistent with prior public policy with respect to the privacy of adoptions records. G.S. 48-9-102 (a) specifically states that "all records created or filed in connection with an adoption, except the decree of adoption, . . . are confidential and may not be disclosed or used except as provided for in this Chapter". G.S. 48-9-102(b) further provides that "during a proceeding for adoption, records shall not be open to inspection by any person, except upon an order of the court finding that disclosure is necessary to protect the interest of the *adoptee*". G.S. 48-9-103(c) prohibits the release of the name, address, or other information that "reasonably could be expected to lead directly" to the identity of an adoptee, an adoptive parent of an adoptee, an adoptee's parent at birth, or a biological relative of the adoptee, except upon order of the court for cause.

G.S. 48-3-205 expands the former G.S. 48-25. The new section:

- expands the scope of background information required to be indexed, filed and provided by the Division of Social Services to the prospective adoptive parent(s) prior to the placement of the child, to include, in addition to the five categories of information listed in the former G.S. 48-25(d), *any other reasonably available non-identifying information about the minor that is relevant to the adoption decision or to the minor's development and well-being.* [G.S. 48-3-205(a)(1)];
- expands the scope of health related information required to be indexed, filed and provided by the Division of Social Services to the prospective adoptive parent(s) prior to the placement of the child to include *all reasonably available non-identifying information about the health of the minor, (including an account of the prenatal and postnatal care received by the minor) the biological parents, and other members of the biological parents' family that is relevant to the adoption decision or to the minor's health and development, including each such individual's:*
 - *present state of physical and mental health*
 - *health and genetic histories*

- *history of emotional, physical, sexual or substance abuse.*

All provisions relating to the confidentiality of adoption records and the disclosure of information are contained in a new Article 9 of Chapter 48. The article clarifies much of the former law, and makes several substantive expansions regarding the types of information that may be released without a court order. The new Article:

- allows for the disclosure, upon a written request, of background information and health history collected prior to the date of the finalization of the adoption under the former G.S. 48-25(d) and (e) and the additional information collected prior to the "placement of the adoptee" under the new provisions of G.S. 48-3-205(a), *as well as any additional health related information received by a court, agency or the Division of Social Services subsequent to that date.* [G.S. 48-9-103(a)] to:
 - a minor adoptee *when the minor reaches the age of 18 (was 21) or if the minor is married or emancipated;*
 - an adoptive parent;
 - an adult adoptee (an adult under NC law is anyone 18 or older);
 - *a minor adoptee who is a parent or an expectant parent ;*
- allows a minor adoptee who is seeking treatment pursuant to G.S. 90-20.1 (authorizing a physician to treat minors without the consent of their parents under certain circumstances) to request a copy of any documents prepared pursuant to G.S. 48-3-205 to be sent to the minor's treating physician. [G.S. 48-9-103(a)];
- provides that any report or information released must be edited by the sender to exclude the name, address, or other information that could reasonably be expected to lead *directly* to the identity of an adoptee at birth or to an adoptee's parent at the adoptee's birth or other member of the adoptee's original family. [G.S. 48-9-103(c)]; (The prior law prohibited the disclosure of any information that "would tend to identify a biological relative of the adoptee"). [G.S. 48-25(d)];
- provides that in the event a court or agency receives information from an adoptee's biological parent or relative concerning a health or genetic condition that may affect the health of the adoptee or the adoptee's child, a reasonable effort must be made to contact the adoptee who is at least 18 years of age or their adoptive parent if the adoptee is a minor, and the information must be forwarded. [G.S. 48-9-103(e)];
- makes clear that non-identifying information may be released upon request to an adult sibling or the guardian of a minor sibling of the adoptee, (the prior law had no such provision). [G.S. 48-9-103(f)].

Part Two

Legislative History of Initiatives to Establish an Adoption Registry

1987: Senate Bill 846: AN ACT TO PROVIDE FOR THE DISCLOSURE OF ADOPTION RECORDS UPON THE REQUEST OF AN ADOPTED PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER.

Legislative History:

May 5, 1987: Introduced and referred to the Committee on Children and Youth.

May 26, 1987: Reported unfavorably by Committee.

Bill Summary: Senate Bill 846 would have added a new section to G.S. 48-25 providing that on written request of an adoptee, age 21 or older, the Department of Human Resources (DHR) would be required to search its sealed adoption records for information concerning the last known location of the adopted person's biological parents, and try to locate them at that address. If unsuccessful, DHR was to make a diligent effort to obtain their current address(es). On locating the biological parents, DHR would have been required to notify them of the adoptee's inquiry. If the biological parent consented, the adoptee would have been provided with the name, address, and other identifying information concerning that parent contained in the sealed adoption records. If a biological parent could not be located after a diligent search (including sending notice to last known mailing address), DHR would have been required to provide the adoptee with the name, last known address, and other identifying information concerning the individual listed on the adoptee's original birth certificate as the person's parents. The bill would have given biological parents and siblings of the adoptee the same rights as the adoptee.

1989: House Bill 200: AN ACT TO GIVE ADOPTEES AND THEIR BIOLOGICAL RELATIVES GREATER ACCESS TO RELEVANT MEDICAL INFORMATION AND TO ESTABLISH A MUTUAL CONSENT VOLUNTARY ADOPTION REGISTRY.

Legislative History:

February 13, 1989: The original bill was introduced.

April 20, 1989: Referred to the House Human Resources Committee.

May 9, 1989: Reported favorably by Committee Substitute Re-referred to the Finance Committee.

July 28, 1990: The House Committee Substitute Postponed Indefinitely.

Summary of the Mutual Consent Voluntary Registry Provisions (Original Bill):

House Bill 200 would have added a new section to Chapter 48 directing the Department of Human Resources (DHR) to establish and maintain a mutual consent voluntary

registry for the purpose of facilitating voluntary contact between mutually consenting adopted persons and their biological relatives.

Who could use the Registry: Only adoptees and biological relatives who were 21 or older would have been eligible to use the registry. A biological father of an adoptee would have only been considered, under the bill, to be a "biological relative" if he were the presumed father under the law, or had established his paternity, or legitimated the adoptee by law or by marriage, or had provided substantial financial support or consistent care with respect to the adoptee and the biological mother prior to the adoption.

Disclosure of identifying information: The Registry would have allowed the adoptee or the adoptee's biological relatives to submit a consent form containing identifying information to DHR. The person could specify the persons to whom identifying information may be disclosed. No identifying information about an adoptee would have been allowed to be disclosed to anyone who was not specifically designated on the consent form. When an adoptee and a biological relative had both filed consent forms with the registry designating the other as a person to whom identifying information could be disclosed, then a "match" had been made. Once a match was made, the bill required DHR to facilitate contact between the two people.

Provisions in the bill would have required persons filing corresponding consent forms to participate in at least two hours of counseling with a trained social worker about post-adoption issues prior to having contact effectuated.

"Opt-out" Procedure: If any adoptee or biological relative did not want ever to be contacted regarding a request for disclosure of identifying information, they could submit a "denial of consent" form to DHR.

Search Procedure: If the person whose identity is sought has not filed a consent form, the bill required DHR to make a *diligent effort to contact that person* and to inform them about the registry and that the request for their identity had been made. If that person then wanted to be identified, they could file a consent form with the registry and a match could be made. If the person did not want to be identified, or if they were found to be deceased or just could not be located, the requesting person would be informed of this and the person's identity would remain sealed.

The House Committee Substitute added the following provisions:

- Contact could only be made to person who had not filed a consent form *if the adoption was finalized on or after January 1, 1990.*
- Defined "diligent effort" to mean effort to contact person using public records and information derived from adoption records.
- Required DHR to publicize the Registry.

**1993: House Bill 1037: AN ACT TO AMEND THE ADOPTION LAWS
PERTAINING TO ACCESS TO ADOPTION RECORDS.**

Legislative History:

April 19, 1993: The original bill was introduced as a blank bill, stating that the General Assembly intends to amend the adoption laws governing where adoption records are kept, examination of records by the parties and attorneys and the use of adoption records by state and private adoption agencies..

July 9, 1993: The bill was referred to the House Committee on Rules, Calendar and Operation of the House.

July 9, 1993: The bill was reported out of the Committee as a Committee Substitute without Prejudice and re-referred to the Judiciary III Committee.

Summary of the Committee Substitute: The Committee Substitute would have expanded access to adoption records in several ways. The county Department of Social Services (DSS) or child placing agency:

- could have used information contained in its records relating to *adoptive parents* in connection with a subsequent adoption matter involving the same adoptive parents.
- could have used information pertaining to an *adoptee* when the adoption disrupted after finalization or when the information was required by federal law.
- would have been allowed to petition the superior court in the county of adoption for access to its own records of the adoption for the purpose of adding medical information obtained after the finalization of the adoption or to release non-identifying medical information necessary because of a medical emergency or to be used for medical diagnosis or treatment. (But see Senate Bill 159).
- could have, upon the written request of an adopted person 21 years or older, released to the adopted person the name of the person's biological parents, if available and verified, and if the biological parent had submitted to the county DSS or child placing agency their unrevoked written permission for the release of their name to the adopted person.
- in the event that the county DSS or child placing agency did not have the biological parent's unrevoked consent on file, the bill established procedures requiring DSS or the child placing agency to *attempt to make confidential contact with the biological parent to notify them that a request for the release of their name to the adopted person had been made*. If the biological parent objected to the release of information or failed to respond to the notice, the requested information would not have been released.
- If DSS or the agency was unable to contact the biological parent, the adopted person could have filed a petition in superior court to seek the release of the identity of the biological parent from the county DSS or child placing agency. The court would have been required to release the identity only upon a finding that the county DSS or child placement agency had made diligent efforts to locate the biological parent without success and that failure to release the identity of each biological parent would

have had an adverse impact upon the physical, mental, and emotional health of the adoptee.

- The Committee Substitute established similar procedures allowing adoptees or siblings of adoptees to petition the court for the release of information regarding the identity of known biological siblings.
- Administratively, the Committee Substitute required the Department of Human Resources (DHR) to establish a registry for recording the information, requests by adopted persons, written consents and objections to the release of identifying information by biological parents and siblings, and a record of non-identifying information that could be released pursuant to G.S. 48-25.
- The Committee Substitute also allowed DHR to charge a reasonable fee not to have exceeded \$300.00.

1995: House Bill 237: AN ACT TO AMEND THE ADOPTION LAWS PERTAINING TO ACCESS TO ADOPTION RECORDS.

Legislative History:

February 22, 1995: Original bill introduced and referred to the House Welfare and Human Resources Committee.

May 8, 1995: House Committee Substitute reported out of Committee favorably, and re-referred to the Appropriations Committee.

June 21, 1996: House Committee Substitute postponed indefinitely.

Summary: The original bill was identical to House Bill 1037 introduced during the 1993 General Session. (See above).

The House Committee Substitute of House Bill 237 deleted: (with respect to the adoption registry provisions):

- provisions in the original bill that would have established procedures requiring DSS or the child placing agency to have attempted to make confidential contact with the biological parent;
- provisions that would have authorized DSS to notify the biological parent that a request for the release of their name to the adopted person had been made if the county DSS or child placing agency did not have the biological parent's unrevoked consent on file;
- provisions that would have instructed the court, in an action to seek identifying information, to release the identity upon finding that the county DSS or child placement agency had made diligent efforts to locate the biological parent without success and that failure to release the identity of each biological parent would have had an adverse impact upon the physical, mental, and emotional health of the adopted person.

The House Committee Substitute replaced the deleted provisions with new language that would have:

- required DHR to establish and maintain a statewide voluntary mutual consent adoption registry;
- provided for the filing of identifying information and consent forms for the release of that information between adoptees who had reached the age of 18 (not 21) and their biological relatives;
- prohibited identifying information about an adoptee to be disclosed to a biological relative unless that relative had been specifically designated to receive identifying information by the adoptee on the adoptee's consent form;
- required DHR to notify the child-placement agency that was involved in the adoption where a match was made, and the agency was required to inform the parties of the match;
- prohibited notification unless the Department determined there was a match;
- directed that the cost of the registry was to be financed through a user fee of \$35 for use of the registry;
- directed the Social Services Commission to adopt rules for use of the registry.

Part Three

House Bill 1206

1997: House Bill 1206: AN ACT TO AMEND THE ADOPTION LAWS PERTAINING TO ACCESS TO ADOPTION RECORDS, AND TO ESTABLISH AN ADOPTION REGISTRY.

Legislative History: May 5, 1997: Introduced and referred to the House Human Resources Committee.

Bill Summary: House Bill 1206 creates a confidential and voluntary adoption registry for receiving documents that request, authorize, or deny authorization of the release of identifying information relating to adoptions. The Registry rules and procedures in the bill are the same as the House Committee Substitute of House Bill 237 (1995) -- See above.

In addition, HB 1206:

- amends GS 48-9-103(e) to provide that if an adoptee who is at least 18 years old submits documentation showing a need for medical information from a birth parent, the child placement agency must make an effort to obtain the information, and, once contacted, if the parent expresses a desire to make contact with the adoptee, the parent and adoptee must be provided with information about the adoption registry;
- enacts new GS 48-2-608 to provide that if, after an adoption becomes final, a minor adoptee is placed in foster care or otherwise placed for adoption, the agency that handled the initial adoption must notify the adoptee's birth family of the placement. If the birth family requests, the agency is to review the birth family's current circumstances for possible readoption;
- amends GS 48-9-104 to provide that Department of Human Resources may release to an adoptee who is at least 65 years old identifying information about the adoptee's deceased birth mother or father.
- appropriates \$45,000 for 1997-98 and \$20,000 for 1998-99 from the General Fund to Department of Human Resources to implement the act.



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December 18, 1997

MEMORANDUM

TO: Members of the Adoption Registry Study Committee

FROM: Linda Attarian, Committee Staff

RE: Part Four: Other State Laws

The following table provides a brief sketch of the various legislative positions different states have taken regarding the degree to which confidentiality and anonymity may be waived between members of particular adoptive and biological families. Generally, nonidentifying information in sealed adoption records is available to adoptive parents and to adoptees of age 18 to 21, in all states. Identifying information is not available, except upon a judicial finding of "good cause" or, in more than 40 states, upon the mutual consent of those seeking disclosure.

States That Allow Access to Confidential Adoption Records upon Mutual Consent

A. States with Mutual Consent Registries:

Arkansas
California
Florida
Idaho
Indiana
Louisiana
Maine

Maryland
Michigan
Mississippi
New Hampshire
New York
Ohio

Oregon
South Carolina
South Dakota
Texas
Utah
West Virginia

December 18, 1997

B. States Releasing Identifying Information upon Mutual Consent Without a Formal Registry:

Delaware
Iowa

Kansas
Massachusetts

New Mexico
Vermont

C. States with Search and Consent Process Through Confidential Intermediary Services:

Alabama
Arizona
Colorado
Connecticut
Georgia
Hawaii

Illinois
Kentucky
Minnesota
Missouri
Nebraska
North Dakota

Pennsylvania
Tennessee
Washington
Wisconsin
Wyoming

States with Access to Birth Certificates upon Request from Adult Adoptee

Alaska
Kansas
Tennessee

Source: The Future of Children, The David and Lucille Packard Foundation, Vol. 3, No. 1 1993.

ADOPTION REGISTRY INFORMATION FOR NORTH CAROLINA

Respectfully submitted by: Lynn N. Giddens

House Bill 1206 - Proposed Adoption Registry for NC was submitted with the basic thoughts in mind: North Carolina is one of the handful of states left that have not made any provisions for the **adult** adoptee and the birth parent to have a **mutually** agreed upon meeting. This presentation addresses this issue.

Why does North Carolina need a registry?

Currently NC adoptees and birth parents wishing a reunion can 1) search on their own and find closed doors, or occasionally find the intended individuals. 2) Hire certain private detectives who have somehow been able to *obtain* information for a fee ranging typically up to \$3500 or 3) Go to court and petition the court. The disadvantages of the three mentioned avenues are 1) many individuals spend quite a bit of their life **searching**, 2) most average adoptees and birth parents are unable to afford the fees of a private searcher, and 3) the court system has difficulty in defining when and why an adoption record should be open, thus leaving them with the feeling they should stay closed which is normally surrounded by incorrect myths regarding adoption.

A registry presents a humane approach to the increasing number of adoptees and birth parents who have incorporated a search into their lives.

Would the taxpayers be responsible for the cost of a registry?

Other states, including Georgia (see attachment A) have designed registries which are self-sustaining. The individuals wishing to utilize the registry pay a minimal fee. Proposals of costs are available for the review of this committee upon request.

What do other states have?

Definitions:

Intermediary System: An agency representative or contracted individual upon request of one party contacts the other party to see if there is an interest.

Active Registry: The state makes contact with the party being searched for to determine mutual interest.

Passive Registry: Both interested parties must contact the registry before a meeting occurs. No contact by the state to either party.

Triad Member: A member of the adoption process - i.e., adoptee, birth parent, adoptive parent, sibling.

Alabama: (Public Welfare Laws 26-10A-31&32) Intermediary contact services available for any triad member.

Attachment A

Jones Becoming Sherlock Holmes of Adoption

By BARBARA KNOWLES

Bill Jones might have a common name, but he is an uncommon man with a unique gift. Jones is an extraordinary sleuth with a track record that would make even the likes of Sherlock Holmes envious.

The Rockdale Countian's job is to find the biological parents of adopted adults who are seeking to be reunited with them. By his own reckoning, he's failed only 23 times in some 3,000 attempts. What began as a personal quest 22 years ago, when he started looking for his wife's birth mother, first became an avocation as he helped others with similar problems. Now it's developed into a full-time job.

Jones is a special investigator and works on a contract basis with the Georgia Department of Human Resources' Adoption Reunion Registry Program. Although the program is not funded by the state this time, Jones is authorized to do searches and is paid on a per-arch basis. The adoptee pays a contract fee to the state at the bargain rate of \$205.

"If someone had come to me 22 years ago and offered to locate my wife's mother for \$205, I'd have said, 'Here's your money, go to it,'" Jones said. "Instead, I spent 11 years and about \$8,000 on the search."

BUT HE acknowledges that the difficulties he encountered as he tracked that woman from New York City to Wilmington, N.C. are probably what make him so good at the job he does today.

Each case he's dealt with would make a story in itself. Jones talks enthusiastically of the lives which have been affected by the program.

"A judge shook his finger in my face back in 1982 and said, 'Don't you ever let anybody stop you from what you're doing. You're doing right,'" he recalled. "That's what I'm proudest about. I'm not only uniting people, but I'm doing it right, the way most people think it should be handled, with the utmost discretion."

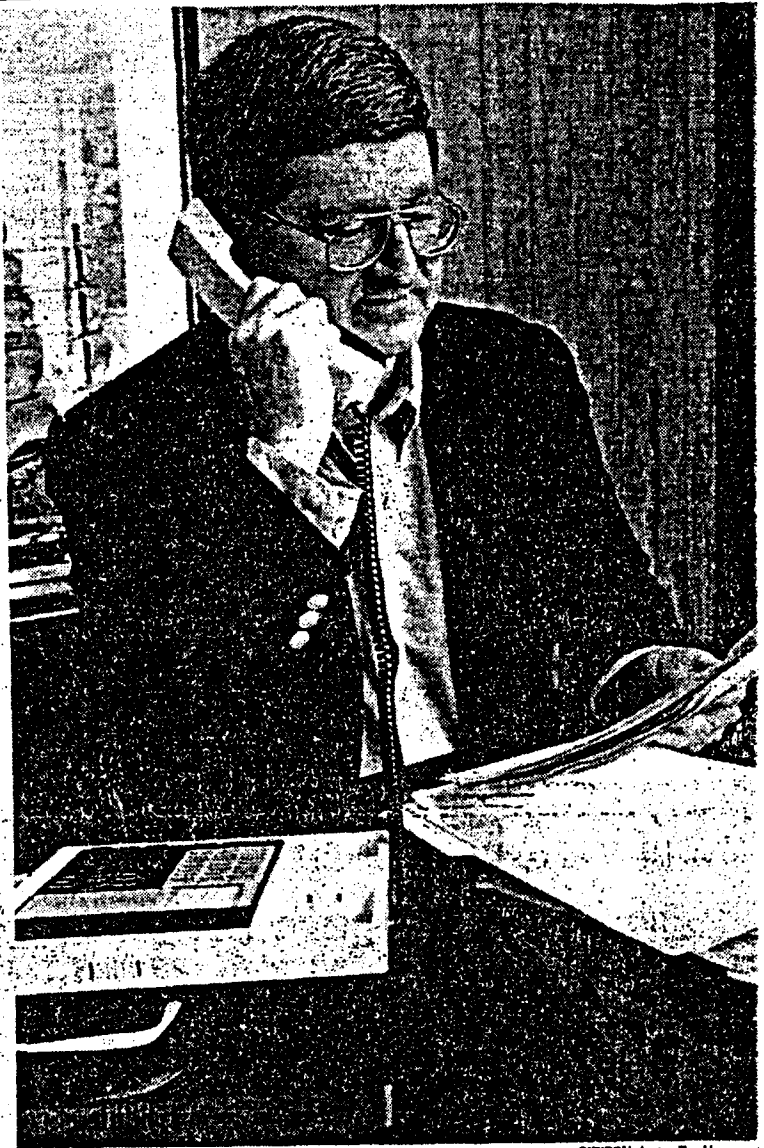
There have been both sad endings and happy beginnings when adoptees and biological parents have been reunited.

There was the man who Jones had helped for more than two years as he looked for his mother, only to find her when an unknown half-sister walked into his office to locate the same woman.

Jones' own wife was reunited with her mother on May 15, 1981. It had been on May 15, 1945 that relinquishment papers were signed for her adoption. Also, she discovered her original birth name was Tammy, the same name she had chosen for her own first child, although she spelled it "Tami."

Often he finds those he's looking for in a cemetery. One 18-year-old mother gave her baby up for adoption in March 1965 and was run over and killed by an automobile the following August.

He also found the graves of the birth parents of a 73-year-old



CITIZENphoto By Harvey

HUNTING WIFE'S BIRTH MOTHER STARTED IT ALL Bill Jones Says He's Launched Some 3,000 Searches

...woman who hugged him and said, "It's the best thing that ever happened to me. I now know the truth. I've visited both their graves."

A FEW weeks ago, he found a birth mother who, along with her sister, was retarded and had been institutionalized. In the search, he also found two brothers of the women. Now the entire family has been reunited.

He said adoptees are not always happy about what they find, but most are glad they did the search.

Natural mothers very often feel guilty their whole lives over the decision to give a child up for adoption. Some of that is resolved when they discover the child generally had a better life than they could have offered.

See JONES, Page 9

Continued from Page 1

"In any situation I've ever worked in, I've never come to the conclusion that it would have been better if the child had not been adopted," he said.

Jones said the reunion program is the envy of every other state in the nation, and he's hopeful the state will provide funding for it in the near future.

"It has been far more successful than we ever imagined it would be," Jones said.

GEORGIA LAW passed in 1990 gives any adoptee who is 21 years of age or older the right to locate either biological parent, or any sibling who has reached the age of 18. It also allows the siblings, whether adopted or not adopted as long as they're 21, to search for another sibling who has reached the age of 18.

It does not allow the biological parent to look for the child. However, it does allow the biological parent to register with the state and, if an adult adoptee comes looking for that biological parent, the state will put them together at no charge.

Jones said he always emphasizes to the adoptees that they are looking for their "biological" parents.

"I have people come to me and say, 'I want you to find my real parents,'" Jones said. "And I always tell them, 'Your real parents are the parents who raised you. All of us are equipped to mother or father a child, but your parents are the ones who raised you.'"

And he said any adopted parents' fears that they are going to be replaced by the biological parents in the hearts of the adopted children are absolutely groundless.

"When you're talking about finding biological parents and love for adopted parents, you're comparing apples and oranges," he said. "I have never had an adoptee locate a biological mother or father and presume that person to be the parent. There is more bonding there than you would think, but it's from the mother toward the child, not from the child toward the mother."

HE SAID most adoptees are seeking their mother rather than their father, and most adoptees who search are females between the ages of 23 and 36.

"Eighty-five percent of the people we help are female adoptees and the average age is just under 30. Most female adoptees begin searching when they become pregnant with their first child and want to know medical history," Jones said.

Men adoptees appear to be less interested and are generally older when they begin searching.

Jones has located biological mothers living nearer than the adoptee ever dreamed, while others are located in foreign countries. Often the search takes months and sometimes it only takes a few minutes, but he tells his clients that when their file comes up they can expect an answer in 60 to 90 days.

THE ONLY problem is that there is currently a waiting list of close to 3,000 adoptees. All are hoping that Jones will be able to put the sketchy fragments of their personal history together and come up with blood relations.

Without state funding of the program, it will be a slow and laborious process to make much of an impact on that list.

Jones emphasizes that the program is designed for adult adoptees to receive non-identifying information having to do with genetics or medical history and to offer them the opportunity to know who their biological family is, should both parties agree.

THIS IS how it works: Jones begins his search with the state's sealed adoption records. He is one of the few people authorized to look at these records and he warns that agencies or individuals promising to locate relatives in exchange for large sums of money in all probability do not have access to proper records.

He pieces together what he can, checking and cross-checking

until he's able to zero in on a place and date of birth, an adoption name and, in the best of all cases, a parent's name, although managed to track folks down without any of these. He is, however, on having at least three conclusive pieces of evidence identifying the individual before the contact is made.

ONCE satisfied that he's found the relative, he telephones says he's with the Department of Human Resources and won't discuss a confidential matter.

"I do not mention adoption. I do not mention the state adoption unit. I do not mention the Adoption Reunion Registry program."

After he informs the person he's acting on behalf of the adoptee, the person is given the option of setting up a meeting. If it's successful (and that has happened fewer than 30 times to Jones), the adoptee is given non-identifying information only about the biological parent.

"We are not opening up the adoption records and we're not talking about a child, but an adult adoptee," he said. "If two people want to meet one another, why should the law or anybody else get in the way of them from meeting?"

HE CREDITS a lot of people with the growth and success of the program is enjoying, but he says ultimately he knows he's helped a lot of people because of help from the God Who knows all secrets.

"Believe you me, I've had some divine guidance in this thing," he said. "I've had to. I've awakened in the middle of the night, dreamed about something or thought about something and then I've written it down and got up the next morning and found what I was looking for."

"I just feel like somehow, some way, God has made this work for me. There's no doubt in my mind about that."

Page 2 - Adoption Registry

Alaska: (Statutes 18.50.500, 510 & 900) An uncertified copy of the adoptee's original birth certificate given to the adoptee at age 18 years old with any updated addresses of the birth family. They will release name/address of the adoptee to birth family if adoptee has requested this.

Arizona: (Statutes 8-134 & 135) Confidential intermediary services for any triad member. Adoptee must be 21 or with adoptive parents contact at 18.

Arkansas: (Adopt. Subchapter 5 Sec. 9-9-501-508) Mutual Consent Voluntary Adoption Registry.

California: (Fam. Code 8702,8818,9200-9206) Mutual consent registry.

Connecticut: (Chapt. 803 sec. 45a-743-757) Intermediary service to triad members.

Delaware: (Domes. Rel. Title 13, Sec. 925-929) An affidavit of consent to have identifying information released to each party.

District of Columbia: (DC Code, Adopt. Sec. 16-311): The adoption agency will recommend an attorney to petition for records.

Florida: (Adopt. Chapt. 63 sec. 162,165,167) Voluntary Reunion Registry.

Georgia: (Dom. Rel. Sec 19-8-23): Search service provided by state on behalf of adoptees, birth parents and adoptive parents. If agency cannot locate parent within 6 months, the adoptee can petition to be given the identifying information.

Hawaii: (Health & Vital Stats: Sec. 338-20) The court will contact the biological family. If court unable to locate, it is sent to an intermediary who has 180 days to complete the search.

Idaho: (Health & Safety Sec. 39-259A, Juv. Proceed. Sec. 16-1511) Voluntary adoption registry service.

Illinois: (Adopt. Act 750 Ill. Stat 50/18 et seq) Confidential intermediary service to update medical information. If birthparents indicate desire for contact, intermediary will oblige. Voluntary Registry available also.

Indiana: (Code 31-3-4-21, Sec 21-27) A guardian ad litem appointed to act as intermediary upon request of the adoptee or birth parent.

Iowa: (Adopt 600.1 - 600.16A , Sec. 600.24) Birthparents can request their names released to the adoptee.

Kansas: (Pub Health 65-2423) Original birth certificate given to the adoptee upon request at age 18. The state will also do a search for the birth parent.

Kentucky: (Stat. 199.570,572-575) Adoptee, age 21, can request a search be done by the agency for birth parents after obtaining forms from circuit court where adoption finalized showing request.

Louisiana: (Chapt. 8, Art. 1189): Voluntary registry for birth parents & adoptees 18 years above.

Maine: (State: Chapt 22, sec. 2706-A): Adoption Reunion Registry information given upon request.

Maryland: (Fam. Law Sec. 5-301 & 5-329): Mutual Consent Registry. Court will also appoint an intermediary to search in cases of medical necessity.

Massachusetts: (Dom. Rel. 210-5D): Non-identifying. Probate court will release upon request but requester must then contact the state recognized search/support group and a group member will make the contact with the "found" person.

Michigan: (Prob. Code, sec. 68b & 710.68): Identifying information released if a consent to release form is filed by the party sought.

Minnesota: (Adopt. 759.79, 759.89) Identity of agency handling adoption will be given and they will explain how to do the search, and release all medical and background information.

Mississippi: (Dom.Rel. Sec. 93-17-25 to 31; 93-17-201 to 225): Non identifying information only.

Missouri: (Dom. Rel. 453-121): Adoption Information Registry available for adoptees aged 21 and older and for birth parents. Adoptive parents consent for the release of identifying information for adoptions completed prior to Aug. 1, 1986.

Montana: (Mont. Code 40-8-130, 40-8-126 & 50-15-206): Intermediary system took effect Oct. 1, 1995. Open to all triad members.

Nebraska: (Adopt. Of Child. 43-124 to 146.16): Original birth certificate to adoptee at age 25 or older. State will assist birth parents and their children, the adoptee and the adoptive parents in a search.

Nevada: (Rev. Stat. Adopt. Sec. 127.140): Adoption Registry. Adoptee must be 18 or older.

New Hampshire: (Rev. State. Pub. Safety & Wel. Adopt. Sec./ 170-B:19): Agency will provide a list of Probate Courts to obtain requests for release of information for adoptees 21 years/older.

New Jersey: (Code 9:3-51&52): Adoption Registry. State will do a simple search upon consent of adoptee to find birth parents.

New Mexico: (Child Code 32A-5-8): Intermediary system. Intermediary Coordinator will help direct adoptee. Waivers of confidentiality can be filed at any time by all members.

New York: (Pub. Health Laws 4138-b/d. Soc. Ser. Laws 373-a): Registry for adoptees and birth parents.

North Carolina: (Stat. 48-9-10- to 106): Non identifying.

North Dakota: (Dom Rel. Sec. 14-15-16): Intermediary services available by the adoption agency handling adoption.

Ohio: (Dom. Rel. 3107.39 -41): Mutual consent registry for adoptees 18 years up, birth parents and siblings of either party.

Oklahoma: (Title 10, Child. Sec. 60.17): Adoption Registry for adoptees 18 years up, birth parents, siblings, and extended family members.

Oregon: (Dom. Rel. 109.425 to 109.507): Voluntary registry and an Assisted Search Program for adoptees 18 years up, birth parents, and extended family members by the participating agency involved.

Pennsylvania: (Title 12, Dom Rel Sec 2905): Birth parents can file waivers of confidentiality and information will be given to adoptee upon request. Adoptees can petition court to do a search.

Rhode Island: (Dom Rel, Mut. Consent Reg. Sec. 15-7.2-1 through 15): Mutual Consent Registry.

South Carolina: (Child. Code 20-7-1780): Affidavits allowed which allow release of identifying information to party contacting.

South Dakota: (Cod. Law 25-6-15 to 15.3): Reunion Registry for adoptees and birth parents.

Tennessee: (Pub Chapt 532): Open Records to triad members if a release to not give out information is not in the file by birth family.

Texas: (Hum Res Code Chapt 49 - may change - new law for intermediary law proposed) Voluntary Registry. Active registry currently being proposed.

Utah: (Rev. Stat. 78-30-15 to 19): Identifying Information available through registry. Court will make contact for medical need or to determine tribal enrollment.

Vermont: (Chapt 10 Stat Sec 426c, 460 to 465): Consent for contact forms will be sent to Probate Court ; birth parents can obtain consent forms and file with the Probate Court.

Virginia: (Welfare Code 63.1-235 to 236): Intermediary services available through state or agency. Adoption Reports Unit handles paperwork to initiate a search.

Washington: (Rev. Code 26.33.020.Sec. 1, Rev. code 26.33.343 and .345): Intermediary System. Private agencies allowed to conduct their own searches.

West Virginia: (Dom Rel 48-4A-1 to -8): Mutual Consent Registry.

Wisconsin: (Stat. 48.432 & .433): Intermediary service for adult adoptees and birth parents.

Wyoming: (Stat 1-22-104(d), 1-22-116 & 1-22-303(B): Adult adoptees, birth parents and adoptive parents can petition the District Court for a confidential intermediary to be appointed and conduct the search.

What would House Bill 1206 provide?

Registry: A registry to accommodate adoptees , birthparents and siblings.

Medical Information: Current NC law provides medical information available to the

adoptee taken at the time of birth. For those adoptees in need of current updated medical information, this is not available. HB 1206 proposes that when presented with medical necessity issues, an agent from the Human Resources can **confidentially** contact the birth mother for an updated medical history. The law currently states that a birth parent can provide an update for the file, however, this is not publicly known for the birth parent. Older adoptees are particularly affected by the lack of medical information. (See addendum 2)

Sibling Contact: Currently the number of separated siblings in our state is of concern. This includes siblings separated 30,40,50+ years ago who have innate ties with their siblings and no avenues to reconnect. This would allow them the opportunity, upon agreement of all parties to reconnect as adults.

Older Adoptees age 65 or older: Currently an influx of older adoptees are seeking information for both themselves and for medical histories to provide their offspring. Examples of this include adoptees' whose children are suffering from undiagnosed medical disorders probable genetic in origin. For those older adoptees 65 and older, **little to none** medical history or background history is available to them from their file. This gives them the opportunity to research the background.

Adoption Disruptions: Adoption disruptions occur when a child has been adopted and the adoptive parents are unable to continue with the adoption plan. The adoptee is returned to the system. This amendment would allow the agencies to reassess the birth family's ability to resume custodial responsibility if they so desired upon review and examination. As has been seen often from professionals in adoption, circumstances change for birth families which would allow them to resume responsibilities.

CURRENT INFORMATION ON THE ASSUMED CONS OF HB 1206:

Birth parents do not want contact with their relinquished child and would not want to be contacted under any condition.

Fact: Birthmothers were not promised confidentiality by the state at the time of surrender. (See attached ^{A44 3}surrender forms) The main concern since 1940 was to prevent **intrusion** of the birth family into the adopted child's life as illustrated from the surrender papers.

Studies have shown that the **majority** of birth parents would welcome contact with their relinquished child.

Name of Agency Cumberland Co DSS
Agency Case # 21076
Adoptee's First Name Lisa

NORTH CAROLINA DEPARTMENT OF HUMAN RESOURCES
Division of Social Services
Adoption Health History Form, Part I

I. BIRTH MOTHER'S MENSTRUAL HISTORY & PREGNANCY HISTORY INVOLVING THIS CHILD Unknown

Age At onset of menses _____ Usual length of period _____ Regular ☐ Yes ☐ No No. days between periods _____

II. THIS PREGNANCY

Mother's age at onset of this pregnancy? 19 yr. No. of weeks of this pregnancy? Unknown When did pre-natal care begin? Unknown
Complications during this pregnancy? ☐ Yes ☐ No If complications, explain _____ Single birth X
Multiple birth _____
If multiple, number _____

III. DELIVERY HISTORY OF THIS CHILD

Duration of Labor Unk. Type of delivery ☐ Natural ☐ Cesarean Forceps ☐ Yes ☐ No "low forceps"
Father's blood type _____
Mother's blood type _____
Mother's RH Factor _____
Serology Unk. Anesthesia/Medication used Unk. Mother's RBC _____
Date _____

IV. CONDITIONS DURING THIS PREGNANCY

German Measles ☐ Yes ☐ No Infections* ☐ Yes ☐ No
Venereal Disease* ☐ Yes ☐ No Unk. Accidents* ☐ Yes ☐ No
Virus* ☐ Yes ☐ No * If "Yes," specify type _____

V. DRUGS TAKEN DURING OR WITHIN FIVE YEARS OF THIS PREGNANCY Unk.

Prescription Drugs Names	Taken		When	How often	Amount
	During pregnancy	Within five years			
1. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
2. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
3. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			

Non-prescription Drugs, inc. aspirin, nose drops, etc	Taken		When	How often	Amount
	During pregnancy	Within five years			
1. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
2. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
3. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			

Alcohol and other substances	Taken		When	How often	Amount
	During pregnancy	Within five years			
Alcohol	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Amphetamines (Uppers)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Barbiturates (Downers)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Cigarettes	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Cocaine	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Heroin	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
LSD	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Marijuana	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Other (specify) _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No			

VI. HISTORY OF PREVIOUS PREGNANCIES None

(Attach additional page, if necessary)

Number of pregnancies _____ If any resulted in multiple births, indicate number born during each pregnancy: 1. _____ 2. _____ 3. _____ 4. _____	Information About Previous Pregnancies		
	Duration	Live Birth	Still Birth/Miscarriage
1. _____ wks./mos.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. _____ wks./mos.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. _____ wks./mos.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4. _____ wks./mos.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

INSTRUCTIONS: One copy of this form is to be given to the adoptive parents prior to entry of the Final Order for Adoption and, upon written request from the adoptee, to adoptee (for adoptions completed on or after July 10, 1981). One copy is to be retained in the agency's file on this adoption G S 48-25 (e) July 1981

Addendum 2
This typical into 1981

NORTH CAROLINA DEPARTMENT OF HUMAN RESOURCES
Division of Social Services
Adoption Health History Form, Part II

Name of Agency Cumberland Co DSS
 Agency Case # 21076
 Adoptee's First Name Lisa

Mother reported she was in good health.

I. HEALTH HISTORY OF BIOLOGICAL PARENTS AND OTHER RELATIVES

INSTRUCTIONS: Use separate sheet for each parent. Check appropriate space to indicate which parent the information concerns: ☒ MOTHER ☐ FATHER

Name of Agency Social Worker completing form, if not completed by parent: Lee Roberts SWS

Indicate by checking appropriate box if YOU or any RELATIVES (i.e. Your mother, father, sisters, brothers, other children born to you) have had or now have the medical conditions listed below. Indicate person's relationship to you. Please complete Comments Section. If a medical condition resulted in death of a family member, indicate this and the person's approximate age at time of death in Comments Section. When more than one condition is indicated within a Condition Section, circle the appropriate condition to identify the other condition. (For example: If a biological parent or a relative is allergic to certain foods or other substances but does not have hay fever, in Section B.2. below, the words "other allergy" should be circled to indicate that the parent or relative has had that condition.)

MEDICAL CONDITION	No	Not Known	YES Self	YES-RELATIVE (Specify) *	COMMENTS
A. CONGENITAL IMPAIRMENTS					
1. Club foot or any orthopedic problem		X			
2. Harelip (cleft lip) or cleft palate		X			
3. Chromosome abnormality		X			
4. Downs Syndrome		X			
5. Hydrocephalus		X			
6. Muscular dystrophy		X			Parts of body involved? Age at onset?
7. Dwarfism		X			
8. Spina bifida		X			
9. Congenital heart defect		X			
10. Tay-Sachs disease		X			
B. ALLERGIES					Any cause known? What treatment? What medication?
1. Eczema or other skin condition		X			
2. Hay fever or other allergy		X			
3. Drug allergy		X			To what drugs?
C. EYE, EAR, DEVELOPMENTAL DISORDERS					
1. Blindness, glaucoma, color blindness or other visual problems			X		wears corrective lenses

(OVER)

MEDICAL CONDITION	No	Not Known	YES Self	YES-RELATIVE (Specify)	COMMENTS
2. Deafness or other ear problems		X			Special education? If "Yes", indicate age at onset.
3. Speech problems		X			
4. Learning disability		X			
5. Retardation: mental or physical		X			Any diagnosis? Hospitalization?
D. CIRCULATORY DISORDERS					
1. Hemophilia		X			
2. Sickle cell anemia or trait		X			
3. Hypertension (high blood pressure)		X			Age at onset? What treatment? Hospitalization?
4. Stroke		X			
5. Heart attack (coronary)		X			
6. Arthritis		X			What kind? Age at onset? What part of body?
7. Kidney Disease		X			Age at onset? What treatment?
E. HORMONAL DISORDERS					Age at onset? What treatment?
1. Diabetes		X			
2. Thyroid disorder		X			
F. RESPIRATORY DISORDERS					Any cause known? What treatment?
1. Asthma		X			
2. Tuberculosis		X			What kind? Age at onset? What part of body?
G. MENTAL AND BEHAVIORAL DISORDERS					Age at onset? What treatment? Hospitalization?
1. Diagnosed schizophrenia		X			
2. Diagnosed manic depressive		X			
3. Other mental illness. Describe, using additional page, if necessary.					
		X			
4. Alcoholism or heavy drinking		X			
5. Drug usage		X			Kind, amount, and when taken?

(OVER)

(Mother Cont'd)

MEDICAL CONDITION	No	Not Known	YES Self	YES-RELATIVE (Specify)	COMMENTS
H. LYMPHATIC DISORDERS					What kind? Age at onset? What part of body?
1. Cancer		X			
2. Tumors		X			
3. Cystic fibrosis		X			
4. Hodgkins disease		X			
I. NERVOUS SYSTEM DISORDERS					Parts of body involved? Age at onset?
1. Multiple sclerosis		X			
2. Huntington's disease		X			
3. Cerebral palsy		X			
4. Seizures or convulsions		X			Age at onset? What treatment? Frequency?
5. Epilepsy		X			
J. INFECTION, HOSPITALIZATION					Diagnosis?
1. Repeated attacks of fever with known infection		X			
2. Repeated severe infection necessitating hospitalization		X			What for? When?
3. Hospitalization, operation, or injury		X			
K. OTHER IMPAIRMENT, ALLERGY DISORDER OR DISEASE		X			

INSTRUCTIONS: One copy of this form is to be given to the adoptive parents prior to entry of the Final Order for Adoption and, upon written request from the adoptee, to the adoptee. One copy is to be retained in the agency's file on this adoption. G.S. 48-25 (e); July, 1981.

NORTH CAROLINA DEPARTMENT OF HUMAN RESOURCES
Division of Social Services
Adoption Health History Form, Part II

Name of Agency Cumberland Co DSS
 Agency Case # 21076
 Adoptee's First Name Lisa

Mother reported that father was in good health and she gave the one medical condition noted.

I. HEALTH HISTORY OF BIOLOGICAL PARENTS AND OTHER RELATIVES

INSTRUCTIONS: Use separate sheet for each parent. Check appropriate space to indicate which parent the information concerns: ☐ MOTHER ☒ FATHER

Name of Agency Social Worker completing form, if not completed by parent: Lee Roberts JSS

Indicate by checking appropriate box if YOU or any RELATIVES (i.e. Your mother, father, sisters, brothers, other children born to you) have had or now have the medical conditions listed below. Indicate person's relationship to you. Please complete Comments Section. If a medical condition resulted in death of a family member, indicate this and the person's approximate age at time of death in Comments Section. When more than one condition is indicated within a Condition Section, circle the appropriate condition to identify the other condition. (For example: If a biological parent or a relative is allergic to certain foods or other substances but does not have hay fever, in Section B.2. below, the words "other allergy" should be circled to indicate that the parent or relative has had that condition.)

MEDICAL CONDITION	No	Not Known	YES Self	YES-RELATIVE (Specify) *	COMMENTS
A. CONGENITAL IMPAIRMENTS					
1. Club foot or any orthopedic problem		X			
2. Harelip (cleft lip) or cleft palate		X			
3. Chromosome abnormality		X			
4. Downs Syndrome		X			
5. Hydrocephalus		X			
6. Muscular dystrophy		X			Parts of body involved? Age at onset?
7. Dwarfism		X			
8. Spina bifida		X			
9. Congenital heart defect		X			
10. Tay-Sachs disease		X			
B. ALLERGIES					Any cause known? What treatment? What medication?
1. Eczema or other skin condition		X			
2. Hay fever or other allergy		X			
3. Drug allergy		X			To what drugs?
C. EYE, EAR, DEVELOPMENTAL DISORDERS					
1. Blindness, glaucoma, color blindness or other visual problems		X			

(OVER)

MEDICAL CONDITION	No	Not Known	YES	YES-RELATIVE (Specify)	COMMENTS
2. Deafness or other ear problems		X			Special education? If "Yes", indicate age at onset.
3. Speech problems		X			
4. Learning disability		X			Any diagnosis? Hospitalization?
5. Retardation: mental or physical		X			
D. CIRCULATORY DISORDERS					
1. Hemophilia		X			
2. Sickle cell anemia or trait		X			
3. Hypertension (high blood pressure)		X			Age at onset? What treatment? Hospitalization?
4. Stroke		X			
5. Heart attack (coronary)		X			
6. Arthritis		X			What kind? Age at onset? What part of body?
7. Kidney Disease		X			Age at onset? What treatment?
E. HORMONAL DISORDERS					
1. Diabetes		X			Age at onset? What treatment?
2. Thyroid disorder		X			
F. RESPIRATORY DISORDERS					Any cause known? What treatment?
1. Asthma		X			
2. Tuberculosis		X			What kind? Age at onset? What part of body?
G. MENTAL AND BEHAVIORAL DISORDERS					Age at onset? What treatment? Hospitalization?
1. Diagnosed schizophrenia		X			
2. Diagnosed manic depressive		X			
3. Other mental illness. Describe, using additional page, if necessary.		X			
4. Alcoholism or heavy drinking		X			
5. Drug usage		X			Kind, amount, and when taken?

(OVER)

(Father cont'd)

MEDICAL CONDITION	No	Not Known	YES Self	YES-RELATIVE (Specify)	COMMENTS
H. LYMPHATIC DISORDERS					
1. Cancer				mother	What kind? Age at onset? What part of body? kind of cancer, etc. is unknown
2. Tumors		X			
3. Cystic fibrosis		X			
4. Hodgkins disease		X			
I. NERVOUS SYSTEM DISORDERS					Parts of body involved? Age at onset?
1. Multiple sclerosis		X			
2. Huntington's disease		X			
3. Cerebral palsy		X			
4. Seizures or convulsions		X			Age at onset? What treatment? Frequency?
5. Epilepsy		X			
J. INFECTION, HOSPITALIZATION					Diagnosis?
1. Repeated attacks of fever with known infection		X			
2. Repeated severe infection necessitating hospitalization		X			
3. Hospitalization, operation, or injury		X			What for? When?
K. OTHER IMPAIRMENT, ALLERGY DISORDER OR DISEASE		X			

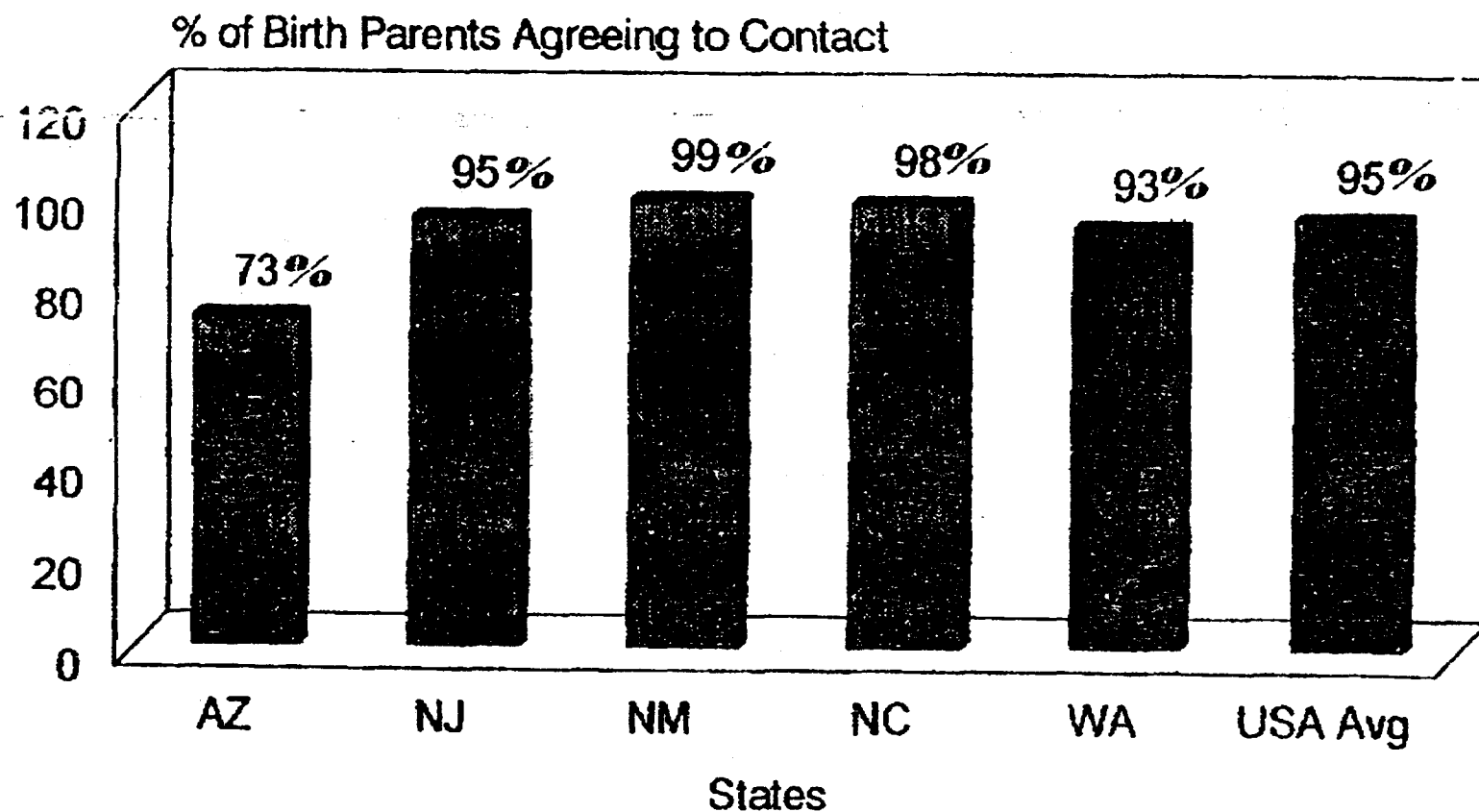
INSTRUCTIONS: One copy of this form is to be given to the adoptive parents prior to entry of the Final Order for Adoption and, upon written request from the adoptees, to the adoptees. One copy is to be retained in the agency's file on this adoption. G.S. 48-25 (e); July, 1981.

- 1) In 1996 a study of the following states: AZ, NJ, NM, NC, WA and the USA on average showed that 95% of Birth parents contacted welcomed contact with the adult they placed for adoption as children. (See attached addendum) 2-A
- 2) 1976: Researchers: Arthur Sorosky MD, Annette Baran ACSW, and Reuben Pannor, ACSW found birth mothers surveyed randomly expressed feelings of loss, pain and mourning that remain undimmed with time. Over 87% wanted a reunion. (Note: This was a random sample where birth parents unsolicited responded to ads placed by the researchers in newspapers and magazines)
- 3) 1979: Kaiser-Permanente study: Women who had relinquished within 3 years - 40% reported depression, 60% experienced medical, sexual and psychiatric problems following the loss.
- 4) 1982: Eva Deykin, MD - Harvard surveyed 334 birthparents and found 69% felt they had been pressured. 96% considered searching and 65% had already begun a search. One fifth had decided never to have another child after the experience, and those who did try experienced an infertility rate of 170% higher than normal rate. (Published in the American Journal of Orthopsychiatry)
- 5) 1984: Robin Winkler, Institute of Family Studies, Melbourne, Victoria: Survey showed 90% felt harmed by the adoption process - most felt pressured to do it - and 48% said their pain increased with time and subsequent children. Many reported suicidal depression. (Victoria opened their records in 1987 due to much research in this area)
- 6) 1985: Leverett Millen and Samuel Roll, MD's: University of New Mexico: Birth mothers seeking help reported depression, alienation, physical complaints with no biological basis, sexual difficulties and difficulties making commitments as a result of their adoption experience.
- 7) 1986: Harriet Ganson and Judith Cook, MD's: 96% wanted open records. 95% adult adoptees wanted open records. Birth mothers reported deep anguish over adoption.
- 8) 1987: Dr. Phyllis Silverman studies birth mothers for twenty years: 95% found the loss shattering and wanted to have contact.
- 9) 1988: Dr. Carol Nadelson: President of the American Psychiatric Association discovered that most women experienced "more trauma not knowing where their child was than having an abortion. The women never forgot."
- 10) 1981-1983: Margaret VanKeppel - researcher: 350 birthmothers: 44% said they surrendered against their wills, 55% said it was the most stressful experience and equated it with a death of a parent and felt betrayed by professionals (i.e., agency,

Addendum 2A

GRAPH 1
RESPONSE OF BIRTH PARENTS TO
REQUESTS FOR CONTACT

***On Average - 95% of Birth Parents Welcome Contact
With the Adults They Placed into Adoption as Children***



SEE TEXT FOR SOURCES OF DATA

G. William Trovler
HB 303 Testimony
Page 14

D-17

Addendum 3

PARENT'S RELEASE
SURRENDER AND CONSENT TO ADOPTION

STATE OF South Carolina

AFFIDAVIT

Marlboro COUNTY

I, Tammy Suzanne Cowan being duly sworn

declare:

That I am 17 years of age, having been born at Bennettsville
in the state of South Carolina on
the 4th day of February, 19 60; that I am of sound mind and in full
possession of my mental faculties:

That I have never been married:

That I am the mother of Baby Cowan, a male child
born on the 29th day of December, 19 77 at Ft. Bragg
in the state of North Carolina:

That I hereby surrender, and release all rights to, said child to the Children's
Home Society of North Carolina, Inc., a licensed child placing agency operating under
the laws of the State of North Carolina, such surrender and release being a voluntary
act and without any demand or compulsion upon the part of said agency;

That I hereby grant to the said Children's Home Society of North Carolina, Inc.,
the authority to place said child in a foster home selected or to be selected by said
Children's Home Society of North Carolina, Inc., or its Executive Secretary;

That I hereby consent generally to the adoption of said child, by any person or
persons who may be designated by said Children's Home Society of North Carolina, Inc.,
without further consent on my part and without notice to me;

That I will not interfere with said child either by personal visits or correspon-
dence and will not at any time demand the return of said child to my custody, except,
as provided by North Carolina Law, I retain the right to revoke this consent within
30 days after it is given, any such revocation to apply to the above release and
surrender of said child as well as to the consent to adoption.

Tammy Suzanne Cowan
Signature of Mother

Subscribed and sworn to before me this 16 day of Jan, 19 78

My Commission expires: Nov 16, 80

A. W. Wickman
Notary Public

Addendum 3-A

DPW-CW 2B
Revised 12-1-63

Index Number _____
State Department of Public Welfare

STATE OF NORTH CAROLINA

PARENT'S RELEASE, SURRENDER,

Alamance COUNTY

AND CONSENT TO ADOPTION

I, Wanda Faye Lowe, being duly sworn, declare:

That I was born on the 24 day of January, 19 50, in Burlington
(City or town)

Alamance North Carolina; that I am of sound mind and in full possession
(County) (State)
of my mental faculties;

That I am the mother of Baby Girl Lowe, a child
born on the 18 day of February, 19 69, in Durham
(City or town)
Durham North Carolina,
(County) (State)

That I hereby release all rights to said child and surrender said child to Gerard J. Anderson

_____, Director of Public Welfare of Alamance

County, (a licensed child-placing agency located in _____ County) such release being a voluntary act upon my part and without any demand upon the part of said director of public welfare (licensed child-placing agency);

That I hereby grant to said director of public welfare (licensed child-placing agency) the authority to place said child in a foster home selected or to be selected by said director of public welfare (licensed-child placing agency);

That I hereby consent to the adoption of said child by any person or persons that may be designated by said director of public welfare (licensed child-placing agency) without further consent on my part and without notice to me;

That I will not interfere with said child either by personal visits or correspondence and will not at any future time demand the return of said child to my custody;

That I hereby waive all right, title, and interest I may now or may hereafter have or acquire in any property, real or personal, owned or acquired by said child now or at any time in the future.

The director of public welfare (licensed child-placing agency) shall have authority under this release to consent to and authorize medical and surgical treatment in the best interest of the child and consent given by the agency shall be sufficient authority to any physician, surgeon, clinic, or hospital rendering medical or surgical care to said child.

I understand this Release, Surrender, and Consent to Adoption can be revoked within the next thirty days.

Wanda Faye Lowe
Signature of mother (XXX)

127 Chestnut Street, Burlington, N. C.

Address

Subscribed and sworn to before me this 26th day of February, 19 69.

(SEAL)

Laura B. Henshorn

Clerk Superior Court or Notary Public

My commission expires Nov. 24, 1970
My commission expires _____

social workers, church) and desired relief from their grief.

Birth parents are now speaking up asking legislators and social service agencies to hear them.

Doris H. Bertucci, "On Adoption," Social Work: The Journal of the National Social Workers (May 1987): Vol. 23, No. 3:
"From the data being reported, there is good reason to believe that when they (i.e. birthmothers) surrendered their children, few mothers understood the full meaning of the confidentiality agencies now say they implicitly promised them. Are agencies forcing on these mothers the "right" to a confidentiality they never intended to have and may not wish to maintain with respect to their children?"

Letter for a birthmother - Dec. 1988: (Typical letter received from birth mothers in NC) "Six days after the birth of my daughter, my mother took me to court to surrender my baby daughter. It was the day the person I had come to know as me died inside. The young woman who left the courtroom that day was a very bitter, hateful and insecure person bent on hurting anyone, from that day forward, who got in her way. I was totally unprepared for the pain and loss I was experiencing and had no support from my family or society. As far as they were concerned it was over and forgotten and not to be discussed again. I was to go on as if nothing had happened. I have not forgotten and have continuously suffered inside. I want to see my daughter."

Mary Ann Cohen, 1994 before the NJ Legislature: "When I am asked to come speak on behalf of birth mothers across this nation....and I share my pain and desire of wanting to know if my adult child surrendered at birth made it safely to adulthood....I suddenly become invisible to them for they seem to not want to accept or recognize my need and desire....but how ironic they seem anxious and willing to speak on my behalf without being asked to stating that we don't want to know!"

Due to the high volume of research and input from birth parents, all can not be presented here, but is available upon request or interest.

Wouldn't it mean that more birth mothers would chose abortion over adoption if records were accessible?

Research shows the following information, and can be presented upon request or interest with many studies that have been conducted.

Carole Anderson, MSW, JD : "Current research shows that rather than face unending torment of living under closed records, many a young woman will chose to have an abortion. She is likely to reason abortion would mean **not** becoming a mother, rather than becoming a childless mother through closed adoptions. In order to escape the pain and injustice of living the rest of her life in the limbo of being the mother of a child she cannot know and to whom she cannot give her love, many will chose not to become mothers by aborting." (1987)

Amy Miller, Adoptive Parent - Director of The Link Adoption Facilitators: Concord, NC. July 1997: "The girls I have to counsel who have had abortions are shocked to learn that we now promote open adoptions and that this can be done. They say to me they didn't know because in North Carolina they still cling to the old way of sealing records. These young girls refused to give up their babies to adoption under this condition, and opted for abortion."

Do the adoptees need to know? Do we want them to know?

"An adoptee should always gain from an adoption. He should keep everything he has and gain more. An adoptee should never lose from an adoption." *Ramona Bennett, social worker.*

Dr. Gordon Livingston, child psychiatrist in Maryland - the Governor's Task Force to study adoption: "Adoptees are the only individuals in our society bound by a contract for which they have no voice, no decision - the problem arises when these individuals become adults and no longer want to be bound to this contract."

Mary D. Howard, Ph.D. - Sociologist: "A secrecy policy encourages all of the performers in the adoption drama to build their lives on the premise that an event central to the lives of all parties never occurred. A seal records policy implicitly asks for an extreme form of denial. There is no school of psychotherapy which regards denial as a positive strategy in forming a sense of self and dealing with day-to-day realities."

Current North Carolina denies to the adoptee the opportunity to know their family heritage and medical histories when little or none were taken at birth.

"I was forty eight years old and an avid jogger. When I had the heart attack, I was unprepared. I later learned through a search that my birth mother had died at age 52 of a heart attack, as did her father and several siblings. My physician said I would have been more aware of the symptoms and signs to perhaps have prevented this devastating experience in my life had I simply been given the right to know. My birthmother wanted to know me, relatives say, before she died." Steve Davis, Wallace, NC (April 1997)

"I met my birth father last week..he is dying of Huntington's Disease. I didn't realize what Huntington's Disease was and that for a female offspring the chance of getting it is 100% genetic. I didn't realize ...not until I looked at my three small children and realized they would be without a mother." Ann, Summer of 1997 - NC."

"When I look into his face, I can't stand his pain or mine. I realize now that if we , as his family had demanded the agency give us background information, perhaps we could have spared the child loved so desperately from his 27 years of continual anguish. His death is not because of his adoption. His death is because no one cared enough to arm us with vital information that could have saved his life. And, for lack of insistence that this be done is our crime and cross to bear." Joyce Lineberger Davenport - funeral of nephew, July 1976 (suicide) - NC.

"It is as though a committee met to decide my future, but I wasn't invited." Betty Jean Lifton, Ph.D. - Psychologist.

"We as a society have perpetuated the cruelest deception. What we have believed to be altruistic has been, in reality, destructive. The adoptee's sense of rejection is the most painful irony of all; what was done out of love is mistaken for lack of it." Harold Cassidy - representing adult adoptee - New York.

Testimonies, both written and verbal, are available to this committee from adoptees and birth parents throughout NC upon request and interest. Their testimonies concede how the closed adoption record system in our state has caused emotional and physical harm to many of them.

What about adoptive parents?

In the 1940's agencies, with the endorsement of adoptive parents, felt that to do away with the "bad blood" ideas which prevailed for the time period, that closing adoption records would root the child and give it a chance to be a member of that family without intrusion from birth family. Adoption records were thus closed across the country without any preliminary studies to back this assumption. Adoptive parents were victimized by the agencies into believing several myths: 1) If adoptive parents provide a good, loving home, their child will not need or want any information about their biological origins. 2) Adoptive families are just like biological families. 3) If an adoptee is allowed to reconnect with their origins, the adoptive family will lose that child's love.

However, research shows that many adoptive parents today recognize the importance of their children having medical information and social information. Many no longer feel the threat they did in previous years. (AAC Survey of Adoptive Parents: Summer of 1997)

"Love and trust bind our children to us. If you would not find yourself excluded from your child's trust, recognize his double heritage and the need to know his unique reality. Extend your love for him to his birth parents - he is one of them. To deny their reality or acceptability is to deny his." Sue Martin, Ill. An Adoptive Mother testifying before a Senate Committee (1987).

"When confronted with actual reunion, as adoptive parents we felt fear - that we might lose our children and/or their love. In reality, there was no loss - only gains. We gained strength in our family ties; and we all gained from new relationships with the people whose genetic ties with **our** children could never be broken or denied" Jane Nast, Adoptive Parent, President of the American Adoption Congress, July 1997.

"Each year we hear increasingly from adoptees wanting to know their biological parents. They all attest to their love for their **real** parents - who are their **adoptive** parents." Robin Peacock, former director of NC Adoptions . 1980.

From the book *Motherhood* by Erma Bombeck, adoptive mother and author/columnist:
"When you went away you took with you a part of our child that we can't give her. You took away her history! Without a past she's been adrift on a sea of frustration, sometimes afloat and sometimes sinking; and she doesn't even know what port is home. Is she allergic to penicillin? Was she conceived in love? Was she really wanted? Is there someone out there who bears her likeness? It's been difficult for all of us. How can any of us go forward until we know what is behind us? Love?? People talk about it as if it's the universal bandaid for all physical and emotional ailments. Well, there's one thing it can't cure. The rejection of a woman who gave her life."

Dr. David Brodzinsky, Rutgers Psychologist.

"If children perceive their parents as constantly denying the differences that they so acutely feel, what must this do to their perceptions of their place within the family and to their emerging self-image?"

Jane, NC Adoptive Parent: 1982: "When my child became stricken with leukemia, I thought it would be no problem to go in - and get information and perhaps someone in my daughter's biological family would help by being a bone marrow donor. They said "go to court". We did. We lost. North Carolina doesn't disturb "folks". Well - someone needs to be disturbed, and would be if it were their three year old precious daughter who was dying!"

We can present testimonies both written and verbal attesting the needs from the adoptive parents wishing to have more genetic information for their children. (See addendum) # 4

Changing the laws would not be good for the children.

House Bill 1206 deals with the needs of **adults**. It does not address children. It has been stated that children need to feel secure in their adoptive homes, and not be allowed to know they can know their biological heritage.

Children, however, are unaware of "laws" while growing up, and most wouldn't care or understand. Laws don't become a subject of interest for most adoptees until they are in their teens and experiencing problems or upon reaching adulthood.

It is being recognized that during adolescence many problems faced could perhaps be lessened and worked with, if the adoptee had more information. Currently studies are indicating that by being stripped of information is not healthy for the child or adult. There are studies in process now to determine why adolescent adoptees may suffer a higher percentage rate of depression than their average non-adopted peer; if the suicide rate for adolescent adoptees is higher in comparison with the non-adopted adolescent, and why. Many mental health professionals report that there is a higher percentage of inpatient adoptees in their mental health facilities in comparison to non-adopted adolescents.

Jogger's killer's adoptive dad: State withheld info

Associated Press

ASHEVILLE — The parents of a convicted killer blamed the state adoption system Tuesday for some of their son's problems.

J.D. Jackson said he didn't know Richard Allen Jackson had been sexually abused as a young child before the adoption until his son's trial.

Richard Jackson, 26, was convicted and sentenced to death last week for killing 22-year-old Karen Styles, who was abducted as she jogged in the Bent Creek Recreation Area on Oct. 31, 1994.

Styles was bound to a pine tree with duct tape, raped and then shot once in the head with a small-caliber rifle.

J.D. Jackson told reporters at a news conference that based on what he has learned since the trial about his son's early life, it is not surprising he had problems.

"How many of us could be born and then abandoned, physically and sexually abused at age 2 or 3, not receive any therapy or counseling and still function in a normal society?" he asked.

"He was seeing a psychiatrist three days before they brought him into our home. Now that information wasn't shared with us. Had it been, we feel that definitely we'd have done something about it," J.D. Jackson said.

"We had the means to give Ricky the help that he needed, the therapy, we had those things. We've been blessed in past years. And we wouldn't have hesitated one iota to do so. And we would have seen that there was continuous followup. This is something he was deprived of for whatever reason," Jackson said.

The complaint didn't ring true for Esther High, program manager for adoption services for the state of North Carolina, who said such information would certainly be disclosed.

High said Tuesday that the state's policy is to share all nonidentifying information about a child up for adoption.

"We've always done this so couples could make their decision whether or not they would adopt this particular child," she said.

"I can't cite the policy at that time, but I'm certain that any information on the child should have been shared with the adoptive parents," High said. "One problem is that adoptive parents don't hear, or it's not put in writing and they forget. A lot think, 'These things were things that happened and we can overcome it in our home.'"

The state did not disclose that type of information at the time of adoption years ago, said Robin Peacock, former head of adoption services on Tuesday. She said now it is the policy to disclose such information.



Associated Press

ADOPTION FAULTS: J.D. Jackson, adoptive father of convicted killer Richard Jackson, blamed the state system for not letting him know of the younger Jackson's possible need for counseling for earlier abuse.

Richard Jackson was in at least six foster homes before being adopted by the Jacksons at age 5. He said the family trusted the adoption service to share whatever information it had on the boy.

"Thank goodness for adoption. We haven't changed any ideas on that. But we were appalled to find out what we did find out when this file was opened up," J.D. Jackson said.

Why The Need To Change the Laws - They are just fine the way they are?

In older adoptions, prior to 1970, we have illustrated that 1) medical histories were not taken in depth as they are today. It was not recognized or realized that most women relinquishing children for adoption at that time were teenagers, and most did not have any life threatening illnesses to mention. 2) Often medical information and social information was looked upon as unimportant, as our medical advances into the prevention of disease had just begun to the proportions it is today. 3) Birth fathers were looked upon as nonessential members of the adoption and birthing process, and as a result little or nothing was obtained from him or his family. The common practice was to gain some information from the mother, but never contact the father.

Since 1970, a greater effort has been put forth to obtain good medical information. And the law currently allows birth parents to update information, at which they will forward to the adoptee. The drawback will be seen that birthparents want contact with their offspring, and law as of yet does not have any provision for this.

The containment period of adult adoptees doing without adequate channels starts around 1970 and goes backward, with each year bringing less and less information.

Today, adoption in NC consists primarily of special needs children and older children. These children are sent to their adoptive homes armed with "Life Books", and more times than not, these children know what their former names were and the names of their biological family members. They, if they so desire when reaching the age of adulthood, will not have as much difficulty locating their biological family, as is the case with older adoptees today.

The proposed House Bill 1206 is an attempt to make adoption more humane for the adult adoptee who is without medical histories and those wishing to make contact with their birth families. It is for the birth parent, and our statistics show approximately 96%, who want and would welcome contact with their relinquished adult child. House Bill 1206 is for the adoptive parents who have come to see the need to know in their adult child is a crucial factor in their child's life, and accept this.

Thank you.

julie jarrell bailey**p.o. box 1582 • carrboro, north carolina 27510 • 919.968.0621**

F A X

TO: Cindy Keen, clerk
c/o Rep. M. Decker's office

FAX#: 715-7586

FROM: Julie Bailey
FAX/PHONE#: 919-968-0621

PAGES (inc. cover): 9

DATE: February 10, 1998

RE: Jan. 28th followup and notes

Cindy:

Attached are the items you asked for - plus - a letter to the committee, my "Sound Bites" per the request of Rep. Aldridge, and a copy of the N&O article quoting Rep. Julia Howard from last summer, as requested by Rep. Wainwright.

Thanks for your attention to this.

JB

Mr. Co-Chairman; Madam Co-Chairman, and distinguished Ladies and gentlemen of the LRC committee on adoption... I am Julie Bailey from Carrboro, North Carolina. I am the adoptive mother of three beautiful, special needs minor children. I am also a birth mother who relinquished her newborn daughter in 1973... We were reunited in 1996... and I recently signed final adoption papers to legally adopt that same daughter... an adoption that never could have taken place if my daughter had not been abused by her adoptive family - a family who abandoned her to their state foster care system when she was age 12, where she remained until she was a legal adult. I know that adoptive parents often have fears about their child's birth mother. I hope my brief story gives you an inside understanding of the fears from the perspective of a birth mother. My daughter's abuse is the nightmare each birth mother holds in secret, fearful of ever speaking it aloud, lest it come true.

She was born in the State of Florida, adopted by residents of Philadelphia, and her adoption was finalized in Juarez, Mexico... yet another story in itself. Florida maintains a mutual consent registry, also known as a "passive" registry, much like the registry proposed in House Bill 1206, and I utilized that registry. I paid my \$35 filing fee, completed and returned all of the appropriate paperwork and waited for information. Well, ladies and gentlemen... my daughter and I will soon celebrate our second anniversary in reunion and I have yet to hear from the Florida Adoption Reunion Registry. Their passive registry did not work for us. The primary reason for failure was its own system. My daughter lived out-of-state and, as I have learned over the past four years, passive registries are well-kept secrets, not just in Florida, but in all 20 states maintaining simple passive registries. They do not advertise nor market themselves. They are accessible only if you have direct knowledge of their existence, which is not always possible. Passive registries are usually inadequately staffed and traditionally underfunded. They only work if BOTH PEOPLE REGISTER... If you don't know a registry exists... and you don't even know what a registry is to begin asking questions about one, it does no good. And if the person you are hoping to locate through the registry is deceased it does not work because... DEAD PEOPLE CANNOT REGISTER!!!

We are here today to discuss the viability of House Bill 1206. I am very familiar with the bill and believe there are many very positive elements to it, above and beyond the passive intent of its registry. In addition to the passive-mutual consent voluntary registry, House Bill 1206 offers to provide reunion potential for biological siblings separated by adoption. It provides a method for persons over the age of 65 to receive identifying information about their birth family upon request. It will provide adoptees access to updated medical histories in proven medical need, and it provides re-evaluation of the birth family for reunification with their relinquished child in the event of a disrupted adoption. These are good amendments and I encourage you to leave them in place with little change. But here are the pitfalls as I see them:

"Section 48-11-101. Department to maintain mutual consent voluntary adoption registry: when disclosure authorized" ... this is a PASSIVE registry and I cite the reasons I mentioned earlier as the need for the State of North Carolina to amend this provision FROM a passive registry, TO an ACTIVE registry. An ACTIVE REGISTRY was the intent of this original bill in 1995 as House Bill 237 and in 1993 as House Bill 1037, and all proposed adoption registry bills prior since the early 1980s. There is a reason why you continue to see a proposed bill for an active reunion registry... and it's because that is what the majority of the adoption triad in this state desire, as demonstrated by their voices in past legislative sessions. Unfortunately, the bills have been deleted - or stalled - each time, resulting from legislators who appear to have decided to act on behalf of a small handful of people in the opposition v. the roar of the masses from supporters.

If you aren't familiar with the differences in the two primary types of registries, let me explain: Basically, a PASSIVE REGISTRY means that both parties involved must register before any identifying information is exchanged. There is usually a nominal fee paid by each party as they file. Of course, I believe I have made it clear to you that passive registries do not work... they are a waste of time for state employees and a waste of taxpayers monies.

Dr. William Troxler, President of Capital College in Laurel, Maryland, once explained, "Twenty states report having adoption mutual consent voluntary registries. The effectiveness and desirability of these registries can be judged only by determining the percentage of participants in the registry who are reunited with their birth relatives as a result of the action of the registry. The outcome measure ranges from a low of 0% to a high of 4.4%. The median success rate is 2.05%. Let me share with you a little known engineering concept. SOMETHING WHICH FAILS 97.95% OF THE TIME, NEEDS TO BE REPLACED. IT'S

BROKEN! MUTUAL CONSENT VOLUNTARY REGISTRIES DO NOT WORK. I agree with him.

An ACTIVE REGISTRY, however, is when "party A" files the appropriate paperwork with the state and pays a designated fee and the state makes a confidential search for "party B". When "party B" is located they are given the choice of allowing their identity to be provided to "party A". If "party B" prefers anonymity, then their wishes prevail over the desires of "party A" and no identifying information is given to "party A." Confidentiality is maintained by the state Human Resources Department, a qualified branch of our state government. If "party B" desires contact, then identifying information is provided to both parties and they set their own reunion. Identifying information is also given in cases where "party B" has deceased. Similar programs in other states have operated with virtually no problems.

In regards to section "48-9-104, Release of identifying information, sub-section (b), it states: The Department may release to an adoptee aged 65 years or older, upon request, identifying information about the adoptee's deceased birth mother or deceased birth father, or both, from the records retained and sealed under this Article. The Department shall not release identifying information about a birth parent under this subsection unless the Department is able to confirm through death records or otherwise, that the birth parent is deceased at the time of the request." I believe the reason this amendment was included was because the average 65-year old (plus) person's parents are deceased and the train of thought might have been, "who could object to someone knowing about another person who is dead?"

I guess my problem with this section is the possibility that the 65-year old (or older) person may learn that his birth mother is still living, and how will that make him or her feel to know they have a family member - probably in failing health - and the state will not allow them any identifying information until after the parent is dead. I find this to be morbid and dehumanizing. Additionally, if we are going to allow 65-year olds (plus) to have identifying information about their dead biological family, why not extend that to all adult adoptees and not limit it to senior citizen adoptees? Otherwise, isn't that age discrimination?

Frankly, I am for total OPEN RECORDS. Opposition to open records often cites their belief that open records will result in high abortion rates, but that is false. In the states and countries that maintain open records we see a decrease in the abortion rate... and statistics show us that generally, the longer a foreign country has maintained open records, the lower their abortion rate is. For instance, Australia opened access to birth certificates in 1990 and their abortion rate per one-thousand women is 16.6, while comparatively the Netherlands, who opened records in 1956, has only 5.5 abortions per 1000 women. This clearly destroys false propaganda distributed by opponents of open records who would have us believe that open records equates higher abortion rates - even within our own United States. Case in point: Alaska is an open records state. Their adoption rate is 53.5 adoptions per 1,000 live births as compared to 19.4 abortions per 1,000 women age 15-44. Kansas, too, is an open records state and they also have a significantly higher adoption rate v. abortions. Other examples are easily accessible for committee review.

When I moved to North Carolina nearly five years ago and became involved with adoption reform and education I thought our cause was just and humane... which I still believe. I wrote letters and made telephone calls - I traveled to Raleigh and even made personal visits to legislative offices, hoping to convince lawmakers that open records in adoption was the only civilized option in adoption reform. It is still such a simple idea... this idea of allowing adoptees and birth parents the same equal rights under the Constitution of the United States as provided to anyone NOT in the adoption triad.

You see, in states where open records exist, anybody can receive a copy of their original birth certificate. In North Carolina, not only are adoptees NOT allowed their original birth certificate... they aren't even entitled to know WHERE THEY WERE BORN. Counties of birth are changed to reflect the county of residence of the adoptive parents at the time of the adoption. The laws in North Carolina discriminate against adoptees... and that is UNCONSTITUTIONAL.

This is the fourth legislative session that I have actively pursued adoption reform and some of my associates have been fighting the battle for 18-years with no success. I must confess that I find the struggle very frustrating. I, along with others, have tried many different methods to try to help lawmakers understand the importance of open records and nothing seems to get through. Truly, I no longer know what to say.

Last year, Representative Julia Howard told the media that she had received hundreds of calls from constituents, yet rather than hear their cries, her comment was that she was just, "sick of it," and she refused to take meetings on this issue.

Ladies and gentlemen of the committee, I hope you can explain to me what is wrong with the democratic process here. Supporters of this bill have clearly demonstrated year-after-year that we want open records or an active registry. What we get is legislators who are "sick of it" - and an ACTIVE registry proposal that returns from a sub-committee amended to a PASSIVE registry...the opposite of what supporters requested.

If I sound frustrated at this point, please bear with me. I mean no disrespect. I am just trying to get a clear picture of what has been happening in regards to adoption reform in this state. By my account of events there just never seems to be a balance. There's only politics, and trust me...politics is not what I want to cuddle up to each night, nor celebrate my holidays with. I just want my family around me - biological, adopted and extended, without the veil of secrets and lies our current adoption system wields.

Something needs to change in North Carolina regarding adoption reunion laws. I hope and pray that you will have the courage to allow openness and honesty to prevail, because it is desperately needed here.

A great man once said, "We have nothing to fear but fear itself." I believe that this is what adoption boils down to for some people. They live in fear of the unknown. And because they hold onto these fears they are unable to open their hearts and minds to anything unknown. They live in a world I call "the what ifs."

"What if my son doesn't want to see me?" "What if I don't like her?" "What if my son loves her more than he loves me?" "What if she never forgives me for giving her up for adoption?" "What if someone discovers my secret?"

It's a world in which many of us can identify - whether we are in the adoption triad or not. But the emotions tend to drive deeper in adoptive situations. The fear blinds us so much sometimes, that the answers are no longer obvious. EXAMPLE:

"What if my son doesn't want to see me?" YOU CAN SAY YOU TRIED.

"What if I don't like her?" YOU'RE JUST LOOKING FOR INFORMATION, NOT COMPATIBILITY.

"What if my son loves her more than he loves me?" YOU ONLY HAVE TO WORRY ABOUT THAT IF THE RELATIONSHIP BETWEEN YOU WAS BROKEN BEFORE HE MET HIS BIRTH MOTHER.

"What if she never forgives me for giving her up for adoption?" THEN FORGIVE YOURSELF AND FIND COMFORT IN KNOWING THAT YOU MADE THE EFFORT.

"What if someone discovers my secret?" IF YOU REVEAL IT FIRST THEN IT'S NO LONGER A SECRET - NOR A THREAT.

If we allow adoptees and birth parents access to their records we can eliminate the secrets and lies surrounding adoption and destroy the fears and myths that have emotionally imprisoned and debilitated many of its victims.

Be aware that some of the people presenting testimony before you today might argue against any openness in adoption, stating they speak on behalf of the birth mothers and adoptees who prefer to remain anonymous - but do not want open records in their adoptions. If you should hear similar statements I hope you will remember the words of my late grandmother... "Mr. Anonymous don't get no vote here." There is no credibility in unknown voices. You have plenty of adoptees and birth mothers willing to accept the risk of being public with their statements. Please listen to them.

Aristotle once said that, "All men by nature desire to know." And Socrates stated that, "The unexamined life is not worth living." I believe these are words pertinent to our topic today and I hope you will remember them. They offer a simple explanation regarding the questions of adoptees and birth parents who search.

On a personal note, I want to comment about my three small children whom my husband I adopted through North Carolina D.S.S. My children are beautiful, loving kids who came like most other older adoptees, through Child Protective Services. These children have had and

will continue to have many obstacles to overcome in life. As their mother, I treasure every ounce of information I receive about them and pray that laws change soon so we can get the information needed to help them with all that is rising before them. Do I, as their mother, have fear? You bet I do. I fear that our state won't come through in time and one of my children will end up a statistic instead of an Olympic gold medalist. That's what I fear as an adoptive parent!

A friend of mine recently said that she has concluded that you have to "actually be one of us to understand us," -- meaning that she believes you must be an adoptee or birth parent to fully appreciate the need for open records. I hope that you will be able to prove her theory wrong - and the way you can do that is by recommending amendments to House Bill 1206, providing for either an ACTIVE adoption reunion registry or OPEN_RECORDS for all.

Thank you for this opportunity to speak to you today.

Presented January 28, 1998 by:
Julie Jarrell Bailey
P.O. Box 1582
Carrboro, NC 27510

"Courage is not the absence of fear. It's taking action in the face of it."
--from the tv movie, "I'll Be Home For Christmas", 1997

A Mutual Consent Voluntary (a.k.a. "Passive") Registry Is NOT an acceptable compromise.

IT DOES NOT GIVE ADOPTEES...

- their original birth certificates
- updated medical information
- equal protection under the law
- the hope of resolving lifelong identity issues

"Twenty states report having adoption mutual consent voluntary registries. The effectiveness and desirability of these registries can be judged only by determining the percentage of participants in the registry who are reunited with their birth relatives as a result of the action of the registry. The outcome measure ranges from a low of 0% to a high of 4.4%. The median success rate is 2.05%. Let me share with you a little known engineering concept. **SOMETHING WHICH FAILS 97.95% OF THE TIME, NEEDS TO BE REPLACED. IT'S BROKEN! MUTUAL CONSENT VOLUNTARY REGISTRIES DO NOT WORK.**"

--Dr. G. William Troxler, President
Capital College • Laurel, MD

***A Mutual Consent Voluntary Registry
is only about reunions...***

**ACCESS TO BIRTH CERTIFICATES
IS ABOUT CIVIL RIGHTS.**

STATE ADOPTION MUTUAL CONSENT VOLUNTARY REGISTRY DATA

(Data acquired by sending a questionnaire directly to each state)

Compiled by Barbara Busharis, Esq., American Adoption Congress and Jane Nast, M. Ed. AAC - Coalition for Openness in Adoption & Adoptive Parents for Open Records 3/93 63/96

MUTUAL CONSENT VOLUNTARY REGISTRIES DO NOT WORK & EVIDENCE HAS NEVER BEEN PRODUCED THAT EVEN ONE IS VIABLE

The concept "sounds good", but registries are ineffectual because:

- #1. They are useless if either party is incompetent or deceased...DEAD PEOPLE CAN'T REGISTER!
- #2. Few people know about them because they are understaffed, underfunded and underadvertised.
- #3. Once a state has a mutual consent voluntary registry in place, often other search assistance is, by law, not allowed.
- #4. Restrictive regulations* and fees often discourage and impede basic registration.
- #5. They do not provide current medical or social history.
- #6. Registries perpetuate secrecy and sealed records in adoption...THEY ARE SABOTAGE NOT A SOLUTION.

"Twenty states report having adoption mutual consent voluntary registries. The effectiveness and desirability of these registries can be judged only by determining the percentage of participants in the registry who are reunited with their birth relatives as a result of the action of the registry. The outcome measure ranges from a low of 0% to a high of 4.4%. The median success rate is 2.05%

Let me share with you a little known engineering concept. Something which fails 97.95% of the time, needs to be replaced. It's broken!
Mutual consent voluntary registries do not work. - Dr. G. William Troxler, President, Capital College, Laurel, MD

Contact person and STATE	DATE STARTED	BIRTHPARENT(BP) ADOPTEE(A) SIBLINGS/OTHERS T-TOTAL INQUIRES	REUNIONS FIRST STATE(S) UPDATE (96) T-TOTAL NUMBERS	% OF REUNIONS VS REGISTRANTS	FUNDING FOR REGISTRY	STAFFING FOR REGISTRY
ARKANSAS 501-482-8452, Allen Pittinger	1987	N.A.(93)	1T(93)	---	N.A.	N.A.
FLORIDA Josette Marquis 904-488-8000	1983	BP 841/A 870(93)	30(93)T	3.5% (93)	inadequate	adequate
IDAHO Cie Smith, 208-334-5700	1986	BP124/A 148(93)	4T(93)	1.6% (93)	adequate	adequate
ILLINOIS Steven Perry, 217-785-3189	1985	684 (93)no breakdown BP678/A693/SIB16(96)	6T ('93) 24T ('96)	0.8%(93) 1.86%(96)	inadequate	inadequate
INDIANA Lynn Arthur, 317-232-4830	N.A.	3,312(93) no breakdown	106T(93)	3.2% (93)	N.A.	N.A.
LOUISIANA Ada K. White, 504-342-4086	1983	N.A.(93)	9 ('93) abt. 150 ('96)	---	inadequate	inadequate
MAINE Valerie Moody, 207-287-3181	1979	BP 500/A 500AP60 /93 BP690/A548AP42/ OTHERS 28/1,306T(96)	21T ('93) 38T ('96)	2.0% (93) 2.9% (96)	underfunded	inadequate
MARYLAND no agent, 410-333-0382	1986	BP150/A 323(93)	6T(93)	1.5% (93)	inadequate	inadequate
MISSOURI Norma J. Lippert, 314-716-2602	1986	1,481(93) no breakdown	20T(93)	1.4% (93)	N.A.	N.A.
NEVADA Wanda Scott, 702-486-7650	1978	1,036 no breakdown	46T(93)	4.4% (93)	N.A.	N.A.
NEW YORK Peter Carucchi, 516-474-3055	1983	A2119/BP932(93) 897AP(thru 93)894BT BP1,950/A4,799/6738T(96)	95T ('93) 126T (96)	2.4%(93) 1.86%(96)	underfunded	inadequate
OHIO Brenda Yeazel, 614-466-4193	1985	5,895T BP4,395/A400(93) 7347 no breakdown (96)	40 ('93) 108T ('96) not accurate	0.7% (93) 1.48% ?(96)	N.A.	N.A.
OKLAHOMA DHS Jane Morgan: 405-621-2476	1977	N.A(93)	N.A.(93)	---	underfunded	N.A.
OREGON Darlene Wilson, 503-256-8706	1984	1,356(93) no breakdown	29T(93)	2.1% (93)	adequate	N.A.
RHODE ISLAND Janet Diane, 401-377-3362	1993	129A/50BP 9 others (96)	8T(96)	4% (96)	N.A.	N.A.
S. CAROLINA Eddie Bogen, 803-734-6093	1985	180(93) no breakdown	3T(93)	1.7% (93)	underfunded	N.A.
S. DAKOTA DiAnn Kleinbasser, 605-773-3227	1984	N.A.(93) no records(96)	6T(93)	---	underfunded	inadequate
TEXAS (central registry) no agent, 512-460-3011	1983	2,275(93) no breakdown	6(93)	0.3% (93)	partially funded	partially funded
UTAH no agent, 801-638-4080	1987	BP 104/A 135 (93) BP 461/A206/327 (96)	10T(93) 30T(96)	4.2%(93) 4.36%(96)	underfunded (93) adequate (96)	inadequate(93) adequate (96)
W. VIRGINIA Owen Bridges, 304-559-7590	1991	BP 35/A 50(93)	0(93)	0 (93)	registry privatized not working(96)	registry privatized not working(96)

NOTE: 28 states are "listed" as having registries. Those 8 (noted below) are not included since they do not have true mutual consent voluntary registries which are by construction "passive" where adoptees and birth parents simply register their names and when (and if) a match is made, they are contacted. *ALSO, destructive regulations are often written that inhibit the contact. Some examples are: allowing adoptive parents to veto, specific residency requirements, high fees, requirements that all parties must re-register (and pay fee) every 365 days and disallowing advertising. Colorado, Connecticut, Georgia, Michigan, New Jersey (Division of Youth & Family Services only) are not true voluntary mutual consent registries...they are "active" registries which require staff and intermediaries to obtain consent. North Dakota, Nebraska, and Pennsylvania are listed as having registries but they are not registries - they merely allow birth parents to file waivers of confidentiality. Pennsylvania also allows intermediaries to make contact to obtain the birth parent's consent to releasing information

Regarding the “confidentiality” of birth parents:

**What about that “one birth mother
who doesn’t want to be found?”**

She may be shocked,
she may be angry,
she may be embarrassed...

but she will get over it.

An adopted person
never gets over not knowing
their medical, social and genetic history...
whom they look like...
why they were surrendered...

**the truth about their
identity at birth.**

**ACCESS TO THE TRUTH FOR
ADOPTED ADULTS MAKES GOOD SENSE.**

“THEY” SAY:

“If...adult adoptees are allowed to have a copy of their original birth certificate, (the number of) **abortions** will rise and **adoptions** will drop.”

THE FACT IS:

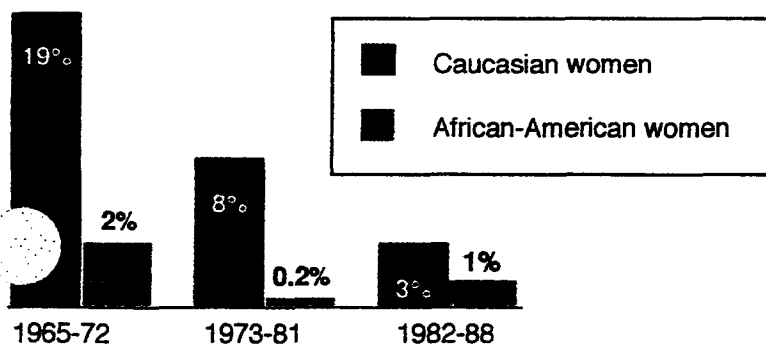
There is a decline in Adoption and Abortion!

WHY?

Because single mothers
are choosing to parent their children!

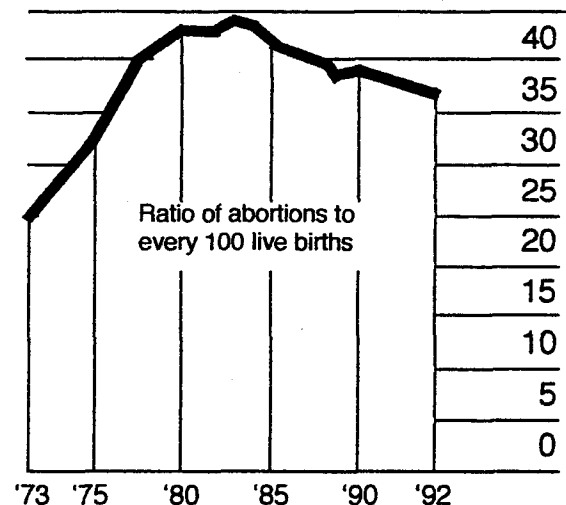
FEW BABIES ARE RELINQUISHED FOR ADOPTION ANYMORE.

From the group of all children
born to never-married mothers,
those who were given up for adoption:



Source: Family Planning Perspectives

THE ABORTION RATE IS EBBING.



Source: Alan Guttmacher Institute

So says the *NY Times*, 2/11/96



KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

915 SW HARRISON STREET TOPEKA, KANSAS 66612

ROCHELLE CHRONISTER, SECRETARY

CHILDREN AND FAMILY SERVICES
WEST HALL, 300 SW OAKLEY
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July 17, 1996

Marilyn Mendenhall Waugh
Director, Adoption Concerns Triangle
Kansas Representative for AAC
411 SW Greenwood
Topeka, KS 66606

Dear Marilyn:

The State Department of Social and Rehabilitation Services has had the responsibility of archiving all adoption records (except step-parent and adult) since 1936. In the late 1980's, there was a review of the very early records and SRS found that these adoptions involved older children who were orphaned or abandoned and there were few infants. These children usually knew their original family name and history. The Vital Statistics law prior to 1951 provided that the child's name be changed and the original record be sealed. However, in 1951 the Vital Statistics law changed in Kansas to allow adult adoptees at age 18 access to their original birth certificate upon request.

In the state of Kansas, approximately 10,182 adoption records were archived in the past ten years. Please refer to the attached ratios for abortions in the state of Kansas and the United States. This information was provided by the Kansas Department of Health and Environment. As a social worker in the field of adoption for the past 11 years, I do not see any correlation between the abortion rate and open adoption records in the state of Kansas.

During the years the Department has had responsibility of archiving and disseminating information, there have been no legal problems. No lawsuits regarding records have been filed.

I hope this information is helpful and Tennessee is able to open their adoption records. Thank you for your strong advocacy and leadership in the field of adoption.

Sincerely,

Patricia Long
Patricia Long, LBSW



29th November 1995

Ms Pam Hasegawa
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USA

Wellington House
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SE1 8UG

Tel: 0171-972 2000
Fax: 0171-972 4197

Dear Pam

Thank you for your faxes of 15th and 27th November.

I understand you would like clarification of my role and responsibilities within the Department of Health. I am a professional adviser to the British government on matters related to adoption. I also have responsibilities for the development of government policy on adoption.

You asked for responses to some of the information provided in Ms Perone's statement -

1. There is no research to suggest that opening adoption records has resulted in a reduction in adoptions and an increase in abortions. The smaller number of adoptions is linked towards changing attitudes to children born outside marriage and single parenthood, and secondly, more effective use of contraception. Records do not show a massive increase in abortions, if anything, there is a decline in the numbers.
2. Pregnant women receive counselling before any decision is made concerning abortion or adoption. Again, social attitudes have enabled particularly young teenage women to receive practical help and support to keep their child, if that is what they want to do. Confidentiality is not seen as a key issue in the decision to place the child for adoption or to request an abortion. The more important issue for the majority of pregnant women is whether or not they wish to care for the child themselves.
3. The Adoption Act was passed in 1976 which allowed access to adoption records. This Act states very clearly that "the Registrar General shall on an application made in the prescribed manner by an adopted person a record of whose birth is kept by the Registrar General and who has attained the age of 18 years supply to that person on payment of the prescribed fee (if any) such information as is necessary to enable that person to obtain a certified copy of the record of his birth "(Sec 51 Adoption Act 1976). However, this was a retrospective piece of legislation. In order to recognise that birth parents, prior to November 1975 had placed their

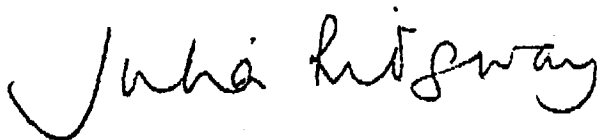
children on the basis of confidentiality, the law required all those adopted before that date to receive counselling. This was to enable the adopted person to understand the implications of tracing his/her birth parents. The first step in this process is to apply for the original birth certificate, once counselling has been given. You will be interested to know that to date, the numbers of those born before 1975 who have applied for birth certificates are 64,000 and of those birth parents (usually mothers) who have registered they are willing or not to be contacted, 60/70 have written opposing this. In contrast, 6,000 letters are held on file from birth parents agreeing to contact. Finally, in order to put these figures into context, the number of adoption orders made since 1927 (when records were first begun) until October 1995 is 836,568.

4. I was very surprised to read the information Ms Perone has obtained from Mr Scarsbrook. First, I am not aware of there being 150 counselling centres at any time and certainly not 50 residential centres - I assume by this he means mother and baby homes, where mothers go prior to having a child. Secondly, the figures he quotes of 150 women per year who stay is erroneous. There are a very limited number of such mother and baby homes and from the figures kept in the Department of Health the numbers of young women who use these homes are not even a quarter of that number.
5. There is little evidence, either through research or anecdote to support Ms Perone's argument that women choose abortion over adoption.

Adoptive parents, birth parents and professional staff involved with arranging the placements are all very sympathetic to the importance of full information being made available to the child, whose welfare is of paramount importance. It is not intended to force openness and contact on any of those involved.

I hope this information will be of help to you.

Yours sincerely



Julia Ridgway
Social Services Inspectorate
Direct line : 0171 972 4413



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES
CN-717, Trenton, New Jersey 08625-0717

JUSTINE TODD WHITMAN
Governor

August 12, 1996

WILLIAM WALDMAN
Commissioner

PATRICIA BALASCO-BARR
Director

Mr Frederick F. Greenman
Deutsch Klagsbrun & Blasband
800 3rd Avenue
New York, NY 10022-7604

Dear Mr. Greenman:

Thank you for your correspondence of August 6 and for your interest in the Division of Youth and Family Services' Adoption Registry.

The Division of Youth and Family Services offers a variety of services to adult adoptees and birth family members who were served by the Division or its predecessor agencies. For example, we maintain a registry for adult adoptees and birth family members. In addition, staff can provide nonidentifying background and recorded medical information to adult adoptees, adoptive parents and birth family members.

We also provide limited search services on behalf of adult adoptees, only. Upon request, members of the Registry staff will attempt to locate a birth parent or other birth family members on behalf of adult adoptees. We act as an intermediary between the parties, and if all concur, we provide adoptees with the information needed to make contact.

In October 1992, our office began keeping automate records of the results of such searches. As per July 31, 1996, the results are as follows:

- Registry staff successfully located 366 birth parents, siblings or other birth relatives of adult adoptees; of that number, 16 of those located were deceased.
- Among the remaining 350 located birth family members
 - 321 accepted personal contact from adult adoptees;
 - 11 agreed to mail contact only;
 - 18 (5.1 percent) refused all contact.

95%
of NJ birthfamilies
agreed to contact

Please feel free to contact me if you have further questions or need additional information. You can reach me at 609-292-8816, between 9AM - 4PM, Monday through Friday. Best wishes.

Fraternally,

Gerald R. Gioglio
Adoption Registry Coordinator

c Dr. John Sonne

//

Adoption Registry
House Bill 1206
Panel Discussion
January 28, 1998

Shirley Geissinger, Ph.D.
1105 Old Lystra Road
Chapel Hill, NC 27514
919-933-0705

My name is Shirley Geissinger. Thank you for the opportunity to participate on this panel discussion to share my thoughts and views about the establishment of an adoption registry in North Carolina. I am speaking to you as an adoptive parent, a researcher in the area of child development and family relations with a focus on adoption, and also as a friend to all parties in adoption.

My daughter was adopted in Indiana 31 years ago just shortly before we moved to North Carolina. We had little background information about her birth parents and only over the years did we come to realize how important that information could someday be to her. I believe that wanting to know about ones beginnings is a natural part of being a reflective human being. The adoptees I have talked with who have obtained information about their past and in some cases reunions with birth parents have said it is like completing a puzzle, it is filling a significant gap in their lives. In addition, research and a better understanding of the hereditary components of illnesses and medical conditions have underscored the importance of this knowledge for preventative and appropriate medical treatments. Finally, I have talked with many birth mothers who continue to wonder about the welfare of the children they placed for adoption--they were not able to "get on with their lives and

forget about the past" as they were told to do by very likely well meaning professionals who did not understand the enormity of the loss these young women experienced.

I want to speak in favor of the Adoption Registry, House Bill 1206. It is a way of linking individuals to other individuals on a voluntary basis and linking individuals with potentially significant information. Procedures in the bill protect the privacy of all parties in adoption, a major concern to many. The process for interested parties to file forms to sign up for the registry and the parameters for who may sign on is well documented in the bill.

Many states have created adoption registries. In fact, our daughter signed up for the adoption registry in Indiana and a national registry located in Colorado. A match has not taken place. One of the concerns I had about the registry was how well it would be publicized and I was pleased to see that this is addressed in the bill along with a condition to cooperate with other state registries.

I have no reservations about strongly supporting the passage of this bill and would be happy to address any questions you may have.

Thank you for your time and consideration of this bill.

To: The Legislative Research Commission Adoption Registry Committee
From: Shirley Geissinger, Ph.D. in Child Development and Family Studies and
Adoptive Parent, Chapel Hill, NC (919) 933-0705
Date: February 23, 1998
Re: North Carolina Adoption Registry, House Bill 1206

I was recently reminded that I had not sent you brief statements regarding an adoption registry that you requested of me at your last month's meeting.

First, I must comment on some of the literature that was distributed by Jan Reist's husband that presents a very distorted picture of how truthfulness and straightforwardness is a threat to adoptive families. Let me assure you that as a professional who has studied children and families extensively and as a parent of three children, one of whom is adopted, openness is by far the best and healthiest approach for families. My adopted daughter is 31, is happily married, and will be graduating from UNC Medical School in May. Our biological daughter (26) just completed two years in the Peace Corps and our biological son (28) is in graduate school in California. We have a warm and close family and I believe openness and honesty have helped to make us a strong one. My husband and I have dealt with our daughter's adoption as simply a fact of life--one that has significance but does not jeopardize in any way our closeness as a family. She has never been confused by the false argument the Reist's propound--that adopted children will be confused or feel insecure if their parents and they acknowledge their birth parents (this is not another family!). Our daughter is all too aware that she has birth parents and that her biological make-up is attributable to them. As a medical student she is constantly reminded of her lack of medical history. Our relationship is in no way threatened by the acknowledgment that we are not her birth parents. Our love for each other has grown through honesty, trust, our many experiences together, and the assurance that we will always be there for each other no matter what the future brings.

Now for my statements about an adoption registry:

I am in favor of an adoption registry.

My first preference would be an active adoption registry but I realize that we may need to settle for something like a passive registry such as Adoption Registry, House Bill 1206

I do not believe an adoption registry is harmful to adoptees or weakens families, instead I believe openness and honesty promotes healthy adoptive families.

Not all adoptees or birthparents want to seek information, but many do. For those who seek information, we need a process that is efficient, affordable, and protects the privacy of all parties.

Adoptees need to be able to obtain updated medical information about their birth parents and their families so that they can become knowledgeable about their own medical history and health risks.

I would be happy to address any further questions you may have.

Statement Presented to the
WELFARE REFORM AND HUMAN RESOURCES COMMITTEE
N.C. House
April 19, 1995

Parker Reist
Chapel Hill, NC 27514

My wife and I are adoptive parents. She has been involved with adoption for 40-some years as both an adoptive sister and parent. We have been involved with the defeat of bills similar to House Bill 237 since 1981 when my wife innocently came to a J-1 committee hearing thinking that she'd lend her support to the defeat of a bill which we thought would be opposed by an overwhelming majority of people intimately involved with adoption. Instead, she found most people were unfamiliar with the subtle and delicate issues surrounding adoption, and the committee was being bombarded by a vociferous and often angry group of activists pushing for open record adoption.

We may very well have that same situation tonight. We have been consistently outnumbered in our committee testimony each time the bill (or something similar) has reappeared.

The reason very few opponents of the bill appear - the ultimate Catch 22 - is the very reason we are so against open records legislation. Most people involved with adoption (adoptees, birth parents, adoptive parents) don't testify because we want our lives and our families lives to be as normal and secure as those people not involved with adoption: Most mothers who have given up children for adoption don't want to place themselves in the spotlight - for whatever reason; most adoptees consider themselves so much a part of their adoptive families that they don't want to disturb the status quo by testifying; and most adoptive parents would prefer to let the matter rest and not be put into a situation where their motives might be questioned (Are you against this legislation because you think you might lose your child?). We don't want our children's adoptions to be an issue nor to be focused on.

Why, then, has open records legislation been defeated in the past? Simply because once legislators have been made aware of the insidious ramifications of a concept that at face value seems harmless enough they realize the dangers of the bill that makes legitimate the concept.

This bill, House Bill 237, seems innocuous at first glance to someone unfamiliar with the subtleties of adoption, particularly when it appears not to affect adoptees until after age 21. But the ramifications and potential dangers become quite clear when you consider that one can't have complete serenity in one's family if it is suggested that there is another family out there perceived as having some sort of emotional if not physical claim on you. This is why we are against any legislation that gives legitimacy in any form (registries, etc.) whatsoever to any previous family.

The Legislative Intent of the North Carolina Adoption Law implies as much:

"..and to protect them (adoptees) from interference (by biological parents) long after they have become properly adjusted in their adoptive home,"

to case after case which use language such as:

"complete substitution of families"

"(an adoptee) becomes a complete stranger to the bloodline of his natural parents"

"the right of a natural mother after she has permitted the child's adoption by others is no greater than a stranger to a child,"

and so forth.

A matching registry allowing the connecting of birthparent and child if both have petitioned when a child is 21 may on the surface seem harmless, but consider the emotional trip laid on a child seeing an

emotional drama of birth mother dying of cancer, vainly seeking every day to see if there is a companion petition to hers.

"That's sad, mommie. Do you suppose there is somebody out there like that for me - should I be doing something?" would be the reaction of our soft-hearted daughter who as it is now has no interest whatsoever in any other family.

Complete assimilation into the adoptive family is the way American adoption was/is intended to be. But despite what is supposed to be the absoluteness of adoption, state legislators continue to propose open record legislation ("Access to identifying information" in legal terms) which contradicts the American concept of adoption by giving legislative legitimacy to the erosive attitudes that exist. And unfortunately, this legislation has been passed in many states.

Our concerns are not so much what will happen to a child after he reaches age 21, but the climate that is created before.

A child cannot be totally secure in one family if a second is given credibility. He cannot feel complete security if a second is lurking in the background. It may seem harmless if there is a registry where each side, the adoptee and birth parent, must have filed to have access to the other, but as proposed in this bill there are mechanics for pressure being brought to bear, and the unwritten psychological pressure on an adoptee or birth parent who does not want to disrupt their life but wonders if there is someone out there waiting for them. The media makes such issues very poignant and compelling.

Also, although there is the much quoted need to know about birth mothers, until recently there has never been an issue about birth fathers, indicating in this case a closed issue if not a tantalizing one.

In actuality most birth parents who have given up children for adoption want to put all this behind them. There are many dramatic testimonies about this.

The National Council on Adoption gives the statistics about adoptees wanting to know their birth parents as somewhere around 5%. Let's not compromise the other 95% with legislation that would undermine the very concept of adoption, which is stated unequivocally in the adoption laws of North Carolina as being absolute and a complete exchange of families.

OBJECTIONS TO A MUTUAL CONSENT REGISTRY

Although a Mutual Consent Registry with essential safeguards is preferable to any search and consent (confront) legislation, there are great objections to this as well. In addition to such a registry being a foot in the door for open records legislation, there are other problems:

1. The potential for corruption. The legislation depends on the integrity of employees and searchers. Confidential files are brought under scrutiny, but there is a very real (and documented) possibility for abuse. Researchers must review records to set up a match and make certain the people wanting a match are who they say they are. The possibilities for misuse, pressure, and corruption are endless. The most often cited scenario - the employee who leaves a confidential file open on her desk and then "has to leave the room"- is but one example of misuse or corruption. Misuse of these confidential files could lead to numerous problems for the other party (loss of privacy, insurance coverage, job, etc.). Along with misuse of the records there will be the inevitable lawsuits.
2. The invasion of privacy of either birth parent can take place if one wants to be notified and the other doesn't.
3. The emotional baggage put on either party feeling guilty because the other party may be waiting for them. The media fosters this with dramatic stories of wonderful reunions and plaintive waitings.
4. The age for searching. When such mutual consent legislation is responsibly enacted with proper safeguards, it has been well-researched that 25 is the age when such a search should be implemented. Even though at 18 individuals gain many privileges and responsibilities such as the right to vote, be drafted, etc., even the state does not consider them socially responsible until age 21 when they are permitted to legally buy liquor. But individuals at 21 are still not considered to be free and clear as functioning adults. They are perhaps still dependent on their parents, in school, etc. Insurance companies recognize this in setting car insurance rates and car rental firms also recognize this by not renting to individuals younger than 25. At age 25 an individual is mature enough to consider all the ramifications of a search before starting.
5. There will be costs associated with this legislation just in creating and maintaining a registry, besides the time required to deal with people wanting to use this registry.
6. The complications of all these issues are multiplying and will continue to multiply with sperm donors and egg donors. Any new legislation at this time must take these factors into account.

THE UNDERMINING OF ADOPTION

by Jan Reist

At a time when abortion, surrogate parents and test tube babies are controversial issues, adoption should be the bulwark, providing a secure alternative to the conventional family. And yet the 3 million adoptees in the United States are constantly having their identity and family position challenged and their security eroded because they are seen as somehow different.

"We adopted Betty when she was a baby," this with an explanatory smile as to why Betty had dropped out of college and Chris, the "born one", had been valedictorian of his high school class.

"John Doe is survived by two daughters, one son and an adopted son," says the obituary of the recently deceased John Doe.

"Ann is the adopted one," says the mother with a lowered voice as Ann's outrageous escapade of the previous year is admitted along with the stellar accomplishments of her three biologically produced siblings.

"John, I'd like you to meet the Jones and the nice little girl they adopted."

"She's adopted, you know." - a 12-year-old's explanation for the snippy behavior of a classmate with popular parents.

"The American raid on Libya destroyed Gadaffy's residential compound and killed his adopted daughter, but other family members escaped," was the subtle minimizing by the American press of the 1987 bombing atrocity.

These are but a sample of the everyday utterances which are indicative of the questionable position held by today's adoptees in the minds of society, the media, the legislatures, and even the adoptee's parents. How can a child help but be haunted by such phrases. And the irony is that the condescending attitude, rather than being one of discrimination, is one of misguided concern.

The 60's rights movements left us with a cockeyed age where peoples differences are magnified, perceived as hardships and used as explanations for frustrations and unhappiness. The differences often become cause celebres for "Rights" and the aggressive concern for the rights of the category gives the individual a label and handicap which needn't exist and can be self-fulfilling once it does.

Our society's conviction that openness and "letting it all hang out" are desirable doesn't encourage parents and family and friends to simply, openly, and naturally acknowledge adoption as the way a child became a member of a family just as they would a birth child, and then forget about it. Rather adoption is highlighted and referred to as a matter of interest, as absolution for an undesirable quirk, or as an indication of one's sophistication and enlightenment in dealing with it openly. And no one seems to stop and think how all this affects a child who more than anything needs to feel complete security in his family.

With the focus in the last decade or so being on adoptees' differences - their perceived inequities - a person who happens to have acquired his family by adoption is seen as somehow bereft. It doesn't take much for this feeling to rub off on the adoptee and lead him to focus life's normal frustrations on being adopted.

A legislator arguing against open record legislation put it well when he said, "If I had had the consideration of another family to blame my teenage identity crises on, I never would have gotten myself straightened out."

When life's frustrations become focused, support groups are often formed which, for some, offer camaraderie and credibility within a category where energies can be directed to working passionately for "rights" for the group.

Among these organizations are adoptee's search groups, made up of a small but extremely vocal number of discontented adoptees and birth parents who vent their discontent by seeking legislation that would allow varying degrees of open record legislation and make it unclear where emotional ties should belong.

The drama, poignancy and emotionalism of adoptees' other life creates a fascination, and generates seemingly endless material for journalists and the media. This makes the difficulties and dramatic possibilities highly visible, suggestive, unsettling and potentially self-fulfilling for all involved.

Imagine the reactions of even the best adjusted but sensitive child on seeing a television special of a birth mother, dying of cancer, desperate to find the child she placed for adoption as an infant years ago. Or think how unsettling it would be for a child to happen to read of pending legislation that "would allow birth parents to contact their children". And *what* child wouldn't experience a twinge of fear on reading the headlines of a recent newspaper article, "Adoption is supposed to last a lifetime but in a growing number of cases parents are calling it quits."

"The American institution of adoption means for the adopted child to become both in law and in fact a complete member of the family with precisely the same rights and privileges of a natural child, with the clear implication that this membership extends to all social, cultural and emotional facets of the child's life. The American procedure makes the child a member of this family and no other"(1).

So wrote clinical psychologist Austin Foster some years ago, in an article opposing open records legislation.

But instead of adoption being thought of as the strong, unequivocal institution it is supposed to be - the alternative way of getting a family - it has become the weak link, a vulnerability in an adopted child's make-up.

One educational child psychiatrist, determined to pin a reading difficulty on what he thought were inevitable emotional difficulties of a child I know, summed up the child's adoptive status as being fragile and stressful, and in need of as much special attention as the leukemia patients he was counseling.

Indeed adoption may be at the root of the difficulty - not the adoption itself - but the way it is being viewed. What a vicious circle we are creating.

In the "old days" - 40 years ago - when my brother was adopted there was a certain secrecy connected to adoption - secrecy because it varied from the conventional and because it was part of peoples' private lives, for which there was considerably more respect than there is today. People just didn't talk about it openly. This certainly had its bad side as when a child wasn't told that he was adopted. Then the family lived in fear that he would find out and when he did it was often devastating. But when, as in the case of my family, adoption was treated as a normal, natural happening, it allowed the child to grow up within this context and not be made to feel the uncertainty and equivocations that society currently lays on.

My brother is a testimony to this when his completeness with our family is regularly affirmed with incidents such as justifying his moderate height to a football coach with, "Well, my grandmother on one side and my grandfather on the other, what the hell, I'm adopted!" Or his total outrage with current attitudes and proposed legislation.

(1) - E. Austin Foster, "Who Has the 'Right' to Know", Public Welfare, Summer 1979, p. 34-37.

Today, with families in chaos, and such unsettled and unsettling issues as abortion, test-tube babies and surrogate parents, we undermine adoption when, more than ever, it needs to have its intended absoluteness. With this absoluteness, those who choose not to abort have a predictable alternative for their children, and test tube babies as well as the offspring of surrogate arrangements have the same unequivocal family ties as those conventionally born into their families.

With our complex world and the accomplishments of science - conventional birth into a family *can't* be thought of as the only truly legitimate way to get a family, and an adopted child *can't* feel that his lot is second best; there *can't* be double standards.

The North Carolina Law in its chapter on adoption, emphatically emphasizes the totality of adoption. This is stated from the introductory Legislative Intent

"..and to protect them (adoptees) from interference long after they have become properly adjusted in their adoptive home by biological parents...."

to case after case which use language such as:

"complete substitution of families"

"(an adoptee) becomes a complete stranger to the bloodline of his natural parents"

"the right of a natural mother after she has permitted the child's adoption by others is no greater than a stranger to a child,"

and so forth.

This is the way American adoption was/is intended to be. But despite what is supposed to be the absoluteness of adoption, state legislators continue to propose open record legislation ("Access to identifying information" in legal terms) which contradicts the American concept of adoption by giving legislative legitimacy to the erosive attitudes that exist. And unfortunately, this legislation has been passed in many states.

In 1988 there were only eighteen states left with totally confidential records. Three states have open records. Nine states have search and consent procedures (meaning that if one party wishes information it has but to go to the agency that processed the adoption and the agency will search out the other party for the desired information or meeting) and 21 have a registry (which means that either party - adoptee or biological relative - may register and if each has registered they may contact each other).

The language in the less blatant of these bills makes them sound non-threatening and reasonable: "Over 21", "voluntary", and "rights" are certainly noncontroversial concepts and those who aren't directly familiar with adoption often read no further and say, "Of course". 'Passive' registry legislation particularly has the casual observer saying, "That sounds harmless, why not?" The answer to this is that though it may be voluntary physically, it certainly isn't psychologically. Imagine the agonizing of a sensitive child wondering if someone wanting to see him had registered and anxiously and pathetically was awaiting a reply.

With access legislation being viewed as innocuous by those not directly familiar with adoption, it is possible for the legislation to go forward with little opposition. And legislators and the general public never realize how such legislation and the accompanying attitudes are destroying adoption as an institution along with the emotional stability of adopted families.

By chance I heard of a proposed Open Records Bill in North Carolina just before a key committee meeting. Feeling I should add my voice to what I was sure was an organized opposition, I quickly prepared a statement for the session. Afterwards the Committee Chairman asked to see me in his office and said in essence that *he*, too, was against the legislation and although he knew there was much opposition to it, for various reasons none had been

voiced and the bill was well on its way to being passed. He said that if I were dedicated to stopping it he would help but there was a lot of work to be done. Thus began my passionate sojourns with the North Carolina State Legislature.

For the past eight years I have been periodically involved in successfully fighting proposed open records legislation in North Carolina. Some ask me why have I done it, saying it is a losing cause and just a matter of time until such legislation succeeds in North Carolina and nationally.

I do it because I believe wholeheartedly in the American adoption system as it is meant to be and has to be. I do it because I believe that children who happen to have acquired their family by adoption need to feel that this is *their* family, just as much as if they were born into it. This means it has to be their *only* family with none of the equivocation open records legislation stimulates.

I do it because I want legislation that encourages a national attitude that doesn't make an issue of a child being adopted, but rather says, in effect, that there are two ways for a child to get his family - to be born into it or adopted into it - the method is but the mechanics.

Proponents of "access legislation" don't see adoption this way and therein lies the problem. In the last session of the North Carolina Legislature a legislator passionately attacked the opponent of her open records bill with, "You are denying these children a chance to know their heritage and hear the intimate family stories children so like to hear. I know how I loved hearing stories such as how my mother and father met. These children are missing that."

Those of us in the chamber whose kids were adopted exchanged incredulous glances. How did this woman see our families? How could she not realize that *our* intimate stories are just as much a part of our kids lives and heritage as if birth had delivered our children to us. Unfortunately her attitude is not unique.

It is such an attitude that allows the small search groups when unchallenged to have such legislative effectiveness. It is an attitude that insists there is a major difference between adopted kids and biologically acquired ones.

There is a difference, yes, just as there are different details in everyone's lives. But whether these differences stay just that - details - or become crippling differences has to do greatly with attitudes towards them. National and individual attitudes need to reflect the aims of the original legislation which in turn must not be undermined by conflicting legislation

The issue of one's right to his heritage - to his identity (as if somehow adoptees haven't these and are incomplete) - is the major argument (besides medical ones) given for the need for open records.

The heritage issue came up recently when I was trying to gain the support of an influential black legislator. He immediately began to personalize, citing need for knowledge of one's roots. Unknowingly he had hit on one of my favorite antidotal arguments. This was one about a friend who replied to her son's tense query after watching an episode of the television series *Roots*, "What are my roots, Mommy?". My friend saw her son visibly relax as she recited the important bits of hers and her husband's genealogy. This is what the little boy wanted to hear - that his heritage was the same as his brother who was also adopted and two other siblings who were not. He didn't want to be isolated with a vague, well-meaning heritage of his own. Unlike the black legislator, who felt he had no roots and needed to find his, my friend's son *had his* roots and acknowledgment of any other would have undermined them. If the legislator weren't convinced by this, that evening in a local paper there was an advertisement soliciting for sperm donors for a sperm bank. And even he had to concede the next day that in our crazy world one's heritage had to be that of one's ultimate family, however it was acquired!

Austin Foster again puts it well as he describes crisis in identity as pandemic in current American culture and how with an adoptee the question, "Who am I?" can easily be converted into the question, "Where did I come from? Who are my ancestors?"

"Unfortunately this is a fallacious search because the identity crisis is an existential one. One does not discover ones identity from history. Quite literally, we create our identity. We define and redefine ourselves as we go through life: but this is an act of definition, of becoming. An obsessive preoccupation with the past can be a self-defeating act in that it misdirects the attention and will never provide any kind of adequate solution to identity problems.

"This is not to say that speculation about one's biological ancestors cannot become a part of the content of an identity problem. What I am saying is that these problems actually stem from genuine contemporary dilemmas and the answers can only be found in the present."(2)

Unfortunately many agencies who in the past would have supported this thinking, have capitulated to contemporary pressures and are now backing pro-open record legislation which gives further impact to it and impresses legislators. After all, shouldn't the agencies know what is best? And they make a good case. But, in private, the director of North Carolina's most prestigious private agency confided to me that though she basically agreed with me, the search groups were becoming so sinister that agencies felt that some concessions needed to be made. This seems rather like capitulating to terrorism, doesn't it?

And I'll always remember a passionate proponent of open records some years ago when asked if the then pending legislation was what she wanted, replying "Of course it isn't, but it's a start."

More recently, agency arguments for the open adoption records bills generally center around older children who have some memory of a previous family. And indeed I think it is these children and their special needs that have given momentum to much of the proposed legislation and fodder for sensationalism and horror stories. Many of these older kids are kids with sad traumatic backgrounds who until recently would have been institutionalized - in many cases not a happy fate. But neither is being adopted for the wrong reasons, whether financial or noble, by families who do not have the patience nor the understanding to deal with the emotional scars their children inevitably carry. Changing legislation to allow flexibility for these children's needs, while compromising adoption in general, is not the answer.

My position, and those who have staunchly and effectively supported me, has been one which is uncompromising against any legislation that gives credibility to a second family. Only when the door is entirely shut (as was the original intent of adoption legislation) on any other family, can a child feel one with his adopted family. A child cannot feel completely secure in one family if he is continually being tantalized, no matter how subtly, with another family by society, legislation or the media.

"But what about medical records and emergencies?" is the immediate reaction of sceptics.

There is no question there should be complete medical records given at the time of adoption - as a matter of fact, much more attention needs to be given to this issue. Many records are sketchy and incomplete and legislators would do well to address this point with specific requirements. As for later emergencies where more genetic information and input would be crucial, there are well-established court procedures available. But information about these procedures, too, is often vague and unfamiliar even to agencies and case workers and this needs to be rectified.

Since our daughter is adopted I'm often asked by the cynics, "Why are you so afraid of losing your child," or by the pragmatists, "What would you do if your daughter wants to know when she's 21?"

Far from being afraid of losing my child, I fear for her and other kids whose families came by adoption losing her/their feeling of security and completeness with her/their family.

And as for the second question: "What would happen when our daughter is 21", this is not the issue, regardless of legislation. The issue is how that legislation with its attending media hype and effect on society's

(2) - *ibid.*

attitudes and actions affects our daughter now - as she's growing up. And I want to continue to be able to answer her unequivocally, as I did recently after a sensational television segment provoked the question, "Nobody else can ever say I belong to them and come and get me, can they?"

"They certainly cannot. It says in the law you belong to our family and no other."

"Why don't we hear from more people with your point of view," has been an often asked question, particularly in the early stages of a legislative session before we've had to marshal more forces against the aggressive search groups. The answer is simple. If there were ever a catch 22, it is this. Adoptees and their families and birth parents with the ideas I espouse, who are by far the majority, don't come forth readily for the very reason they are so against the legislation. They don't think of themselves as different with a position to protect or a cause to follow. Often they don't even know about pending legislation, and if they do, they don't want to come forward and compromise their normalcy.

"And what of the small percentage of individuals who despite all your theorizing still desperately want to know their origins?" ask the die-hards. I feel certain that if attitudes were as I am advocating, the percentage would go down from the current acknowledged 5%. And less than 5% dissatisfaction with a system isn't bad. While not wanting to appear callous, sacrificing the emotional stability of the vast majority of children for such a small percentage just doesn't make sense.

The sessions have been hard work but heady - stuff that keeps your adrenaline flowing. They have been incredibly frustrating at times. But ultimately they have been extraordinarily satisfying, specifically because we have been able to stop the objectionable legislation. But perhaps even more important in the long run, and for the overall picture, we have seen our position appeal to reason and good sense once it is understood. This is what keeps us going and what has us saying to the pessimists, who question our persistence in the face of what they see as the inevitable, ultimate national defeat, that if we can keep intact adoption in North Carolina, so too with persistent education, can we turn around a misguided national attitude that is receptive to such legislation.

Supporting the conviction that attitude and media are largely responsible for the restlessness and searches is a book put out recently which has interviews of adopted children. While many of them talked of curiosity about their birth mother, none evidenced any interest in their birth father and neither does the media. The birth father just often isn't known, isn't acknowledged and has never become an issue. So should it be with any previous family. Only when a child is viewed by society and the legislature as just that - a child of a family - not an "adopted child", can he enjoy total security in his family and be content.

Comments Pertaining To
House Bill 1206, An Act to Amend the Adoption Laws Pertaining to Access to Adoption Records and to
Establish an Adoption Registry

Jan Reist

January 28, 1998

Our instructions as panelists for this commission were to try to be brief and to focus on this particular bill as opposed to the issue of open records in general. I agreed to be brief (as long as commission members read my handouts). But I hedged on the second point as I think I need to point out why I feel that any legislation pertaining to open records weakens the family that has children who happen to be adopted, by giving credibility to another family.

The North Carolina Law in its chapter on adoption, emphatically emphasizes the totality of adoption. This is stated in the introductory **Legislative Intent**

"...and to protect them (adoptees) from interference (by biological parents) long after they have become properly adjusted in their adoptive home ..."

and in case after case which use language such as:

"complete substitution of families"

"(an adoptee) becomes a complete stranger to the bloodline of his natural parents"

"the right of a natural mother after she has permitted the child's adoption by others is no greater than a stranger to a child,"

and so forth.

Any modifying legislation leaving the door ajar for contact at age 18, or any age, negates the absoluteness of adoption and undermines the institution. From another perspective it has been shown that places with various open record provisions have seen adoption rates go down and abortion rates go up.

A child who is part of a family by adoption needs to feel that it is his or her family - and always will be - just as much as a child who is part of a family by having been born into it.

We have two children; one who happens to have been born into our family, one who happens to have been adopted into it. How they got there is simply a detail - it doesn't matter. That's the way we feel, that's the way they feel. This would be a hard concept to maintain if there were another family being dangled out there as a possibility for one of them. This would certainly compromise the equality, the absoluteness.

And what about the other side, the side lobbying for this legislation? To those not thoroughly familiar with the issue of information access, it seems straightforward enough. Much is heard from people who passionately feel that they have been wronged - that something has been denied them - something which is their right and need. Eighteen and voluntary and mutual consent are the current litany. It sounds reasonable, and as if maybe a wrong is being righted by some form of legislation enabling access to this information.

The National Council for Adoption in Washington has statistics showing that less than 5% of adoptees and birth parents have a desire for this information - less than five percent! That mean that the push to alter the absoluteness of adoption is being made by those representing less than 5% of those it affects.

What about the other 95%? Why aren't you hearing from that segment, you ask? If ever there were a Catch-22! The reason you don't hear much from us is the very reason we don't want this legislation. All we want is for our families to continue to be stable and normal and undisturbed which contradicts having to fight for our stability and having to keep on the lookout for legislation which would compromise this.

This brings me to the Bill we are here to discuss today, House Bill 1206, An Act to Amend the Adoption Laws Pertaining to Access to Adoption Records and to Establish an Adoption Registry - "a mutual consent voluntary adoption registry when disclosure authorized".

Our fundamental objections remain the same

The undermining of the stability of a family by giving credibility to another family and setting the stage for psychological upheaval.

This legislation is said to be voluntary but what adopted child wouldn't be haunted after watching a television program - of the genre the media loves so well - about a dying birth mother vainly checking the registry sources week after week hoping that there will be a match "in time", and wonder if he or she should do something - I know our daughter would!

I can hear her saying "Mom, that's so sad - do you think there's someone like that out there waiting for me? Do you think I should do something?"

What a guilt trip, what baggage this lays on a person, and what psychological pressure. And on the other side what feelings of rejection for the ones waiting to be contacted and aren't.

These feelings would be there even if indeed a bill could be completely voluntary. But its doubtful if there could be any legislative provision to prevent an aggressive searcher not finding a way to tweak a disinterested second party. Certainly this bill carries none.

Which brings me back to the original concept of why we need to leave the adoption laws as they were intended to be - final and unequivocal. A child cannot feel total security in one family if he is tantalized by another waiting in the wings somewhere, and no one would contest the right of a child to feel complete security in his family.

REMARKS on HOUSE BILL 1206

by

Brenda C. Kinney, Esq.

House Bill 1206 lacks a political constituency, pleases no one, raises serious legal questions, and does not follow provisions of the Model Act on Adoption Registries. For over three decades the North Carolina law has sought to balance the interests of the three parties in the adoption triangle: adoptee, birth parent, and adoptive parents. This current version of the registry bill totally eliminates any interest of the adoptive parents. The adoptive parents are not even mentioned in this bill -not once. By contrast, in the Model Act, the balancing of all three parties is clearly stressed.

Adoption has always been a judicially sanctioned and judicially protected condition and contract. Historically, judges have been the only persons who could listen to the pleas of the various parties and determine if there was a reason or good cause shown to invade the sanctity of the adoption's sealed records and provide whatever medical or identifying information necessary. The registry bill removes the umbrella of judicial protection and places it in the hands of social workers and clerks in the Department of Human Resources. In other states where abuses of registries have occurred, it has frequently been because of well meaning social workers that operate with an agenda favoring totally open adoptions or open adoption records. This bill grants immunity to social workers and bureaucrats whereas most other registry laws do the opposite, making it a violation of \$10,000 fine and/or six months jail for willful violation. This bill goes in the opposite direction.

At the same time that this registry bill is eliminating current rights granted adoptive parents and biological parents, it creates entirely new and novel and unprecedented rights for biological siblings and half siblings of adoptees. They can participate in the registry. Yet curiously, siblings in the adoptive family are again ignored. The Model Act and acts in other states with registries do not give such rights to participate to siblings, and indeed, an adoptee cannot even use the registry if the adoptee has any siblings in the adoptive family who are under eighteen. The rights of the adoptive family including adoptive brothers and sisters are sought to be balanced.

This bill also raises constitutional issues and invites litigation. The Judiciary Committee's opinion should be sought because any change in the confidentiality of sealed adoption records, even by filing mutual consent forms, legally is in the nature of Ex Post Facto laws, and laws which impair the sanctity of contracts. The law is changed or altered after the fact and yet is applied to previously made contracts retroactively. This violates the constitutional rights of parties to contract and impairs the obligations of contracts already entered into.

All past North Carolina adoptions with sealed records have been contracts between birth parents, child placement agencies, and adoptive parents. HB 1206 alters

the essential terms of the original contract and raises constitutional and contractual questions about applying it retroactively to prior adoptions.

This bill invites litigation - as have registry bills in other states. While the bill grants immunity to individual state government workers, it does not and cannot provide immunity from tort and breach of contract claims.

Retroactive application of registries also poses accuracy problems. Years ago many women were urged to write down a biological father's name, even if she was hesitant to reveal the identity, or unsure. She was assured that it didn't matter because it would never be known. Once we begin opening records through registries there will be accuracy problems.

My next concern with this bill is that it promotes the desire of the minority over the majority. The purpose of the bill is stated on Line 14: ...to facilitate voluntary contact. On page 2, Line 39 the bill refers to a denial of consent form. Taken together, this bill comes close to subverting the privacy rights of the majority and seeks to facilitate the desires of a very vocal, active minority. There is a general constitutional right to privacy and a North Carolina statute guarantee of confidentiality of adoption records. Together this is simply The Right To Be Left Alone! There is simply no right in state or federal law to know about someone else.

The best research in this field, and the most commonly accepted statistics are that approximately 5% of adoptees or birth parents actively seek contact while over 95% of persons involved in the adoption process are passive and never search. Of those 5% who seek to search, the overwhelming majority are women adoptees or women birth mothers, while very few male adoptees or biological fathers ever search. This bill and other registry bills elevate the desires of the 5% over the wishes of the 95% and for many of that 95% cause real fear of being found or being contacted. Other states report that between 1% and 3% of persons in the adoption triangle actually use the registry, but the mere fact that the registry exists places a large proportion of the 95% in fear.

Lives lived everyday in which persons do not search is the real story of the 95%; their lives demonstrate and are clear testaments to the right to be left alone. Any bill which suggests, under any circumstances, that a person must come forward and file with the State, a Denial of Consent form impinges on the right of privacy.

Further, this bill ignores the reality of technology over the last few years. For the 5% who are compelled to search, who are driven to search, state registries have quickly become largely irrelevant because they are so inadequate for the searcher's purposes. The Internet has simply leap frogged the state registries. Any person determined to bypass the laws and search can now do so. Get on the Net; Set up your own web page; Search through the adoption chat rooms and on line services, and you are likely to find far more than in any state based passive registry. The fact of the Internet also makes the state

registry databases far more troublesome, because it is simply a matter of time before such records are posted on the Net by some person whose personal agenda is open records.

Finally, this bill is anti woman because it takes away a choice a woman now has and a choice which has been promised to women for the past 50 years. Whether you are Pro Choice or Pro Life this bill eliminates choices and rights women now have and it gives a woman who chooses adoption fewer rights and guarantees of confidentiality than a woman who chooses abortion.

Today a woman with a problem pregnancy has 4 choices: 1. Abortion with the guarantee of absolute confidentiality. Her medical records and records of the abortion will be confidential forever. 2. A woman may choose traditional closed adoption. 3. She may arrange an open adoption through private agency or attorney; or 4. She may set up a Modified open adoption where she indicates a willingness to be found at some future time. The problem with this registry bill is that it infringes on the second choice. Abortion is confidential and final but closed records, closed adoption can never again be guaranteed to a woman with a problem pregnancy.

What is the flip side of this complicated issue? Approximately 12% of couples in the United States have fertility problems. If a couple chooses to have a family through any of the new medical technology methods-sperm donation, egg donation, surrogate mothers, egg transplantation, harvested embryo- and some in the future we can only imagine, all these family creation methods are completely confidential;. If a couple chooses a foreign adoption, records can be sealed. The only family creation method where confidentiality cannot be guaranteed in the future is adoption because there is no guarantee that records will be sealed in the future. Last year, there were fewer than 50,000 domestic adoptions, the smallest number ever. At the same time foreign, international adoptions quadrupled, in part because of the greater guarantee of confidentiality.

APPENDIX F

Elaine Karen Franzetti, M.S.W., C.C.S.W.

Credentials:

- Wurzweiler School of Social Work, Yeshiva University 1982
- Certified Clinical Social Worker in North Carolina 1992
- Regional Director, Catholic Social Ministries of the Diocese of Raleigh, Inc. since 1988
- Adoption Worker since 1988
- Clinical Social Work Practitioner with families since 1982
- Lecturer/Adjunct Faculty, East Carolina School of Social Work since 1989
- Co-facilitator for Adoption Issues and Education since 1992
- Reunited Adoptee since 1990

Social work practice in the field of adoption has changed drastically in the last 40 years. The practices, once thought to:

- Protect the well being of birth families;
- Provide better homes to children than the ones their birth families could provide; and
- To help create families for couples who were unable to conceive any biological children;

are now being challenged by those families we served.

As adoption agencies, we once believed in the following values, beliefs, and assumptions in our practice:

- A birth parent would "get over" and forget the birth of a child they placed for adoption;
- Agencies assumed that children did not need to know about their biological roots;
- If you matched children up with similar physical characteristics as their adoptive parents that they would take on their adoptive families identity without question; and
- If children were happy that they would not want to know anyone or anything about their biological background.

It is these types of beliefs that has brought us to this point today.

We, as agencies, assumed that these beliefs were true at the time. But now we know better. Research, regarding family systems, provides endless evidence of the hurt and damage these types of beliefs has had on all members of the triad.

Gaining insight on these issues, agencies have had to reexamine their practices in how they handle adoption today. Through experience, we have learned that:

- If a birth family chooses adoption, it is important for that family to know who is raising their child so they can be rest assured of their child's safety and that their child is loved; and
- For adoptive families it is important to know that "they were choosen" by the birth family to be given the responsibility and trust of raising their child.

Although North Carolina does not recognize open adoptions through licenced adoption agencies yet, agencies work with other states who do and recognize the benefits of these arrangements. It is through these practices that birth and adoptive families need no longer fear each other and that their adoptive children will have the support in learning and knowing who they are. Family secrets are not in the best interest of a child.

Our biggest challenge still lies with the mistakes we made in the past. Fear of the unknown runs rampant for families who were affected by closed adoption practices. In the past we did not understand how the deep-seeded feelings of loss and fear would affect members of the triad. It is this fear of loss or rejection again, that makes Bill 1206 a difficult one for many.

Reunions may not be for everyone. But for many adult members of the triad it is felt to be important for their physical and mental health and well being. For many, it is the only way to begin to heal from a system whose practices turned out to be well-meaning but bad ones. Bill 1206 will begin to do that. Although passing Bill 1206 for a passive state registry is a start I feel that it is not really sufficient and that we should be advocating for

an active registry. Passive registries have been shown not to be useful in facilitating reunions.

Statistics:

Already in North Carolina the Department of Social Services receives 5-10 requests a day for information regarding biological family members. This averages out to 1,820 requests a year. Catholic Social Ministries receives approximately 100 requests a year. Children's Home Society received 991 requests for information in 1997. For these three agencies alone, there were approximately 2931 requests in the state of North Carolina. In 1990 CHS felt that it was an important enough issue to make Post Adoption Services a separate department within their agency. Everyday hundreds of people use the internet to try to reconnect with their lost family members. Rejection of this Bill will not stop reunions. What it will do is to give mutually consenting adult adoptees and their birth families a systemic way of finding each other. It will also begin to give agencies a systemic way of dealing with the ever-increasing volume of requests for information. Let's stop fooling ourselves and pass Bill 1206. It's the only humane thing to do.

APPENDIX G

ADOPTION SPEECH

Good afternoon, my name is Meredith Mills. I received my bachelor's of arts in psychology from the University of South Carolina and am currently employed by the University of North Carolina at Chapel Hill as a Job Coach for Autistic adults. I am here today to explain to you my story. This story does not start at my birth on August 8, 1971... It goes back to January 1969. This was the day my older brother David was born to two wonderful, educated people Gene and Shirley Mills. That day was the happiest day of my parents lives. A year or so later it was confirmed that my father was a carrier of a genetic disease and he had unknowingly passed it on to my brother. This disease is Charcot- Marie- Tooth. CMT is a progressive neural muscular atrophy disorder and is incurable. My brother, if he chooses to have children may pass it on to them. It is because of genes that my adopted parents chose me. They chose to adopt a child rather than pass this genetic disease on to another helpless child. It is because of genes that I am Meredith Elizabeth Mills, but it is also because of genes that I am here speaking with you.

Every child raised in their own birth families has the basic knowledge of who they are and where they come from. They look, act, smell, and develop the same way their birth parents did. They can ask about their forefathers and know of any life threatening genetic medical history and plan their lives accordingly. They are given this information without any court orders. Their parents fill in their ancestors' medical history when they visit the doctor for the first time, which allows the doctor to better treat them. Are adoptees any less worthy of good health care? Are adoptees lives' worth less than a child who stays with their birth families? I DO NOT THINK SO. Adoptees do not choose to be raised in families other than their own, it is chosen for them before birth. Adoptees do not choose the family they are adopted in to, it is chosen for them. Adoptees can not choose to ignore the life threatening genetic medical history, because there is NO HISTORY. I must lead my adult life as if my birth family carries the genes for ALL of the genetic diseases, I must take care of my body wisely if I am to live a long, healthy life, because I do not know my medical history. I am an Adult Adoptee, with out a past, without a history, and without someone to tell me what I need to watch out for. I am on my own, and my future children will have only my medical history and none of my forefathers.

I believe that I have the basic right to know my forefathers' medical history, everyone in this world that is not a product of closed adoption is given that information at birth, and benefits from it. I do not believe that I am any less worthy to live a full healthy life, than someone who was not adopted. Adoptees have no choices; we can not ignore, pass on, or heed our families' medical histories. We deserve the right to our medical history, as do our children, we are not second class citizens, nor does the state of North Carolina have the right to jeopardize our lives and our children's lives. We are just as worthy and just as valued.

I have recently reunited with my birth mother. We met for the first time on November 1, 1997. It was a happy reunion in which I was able to gain valuable genetic medical information. I will attempt to show you how important this information was.

As a young elementary school student, I difficulty with staying focused, memorizing lists, learning to read and write, and not interrupting others. It was determined by my school teacher and my mother that something was wrong. My mother decided that an open school education was inappropriate for my brother and I. The following year I repeated the second grade at Charlotte Country Day School and with the help of my parents, teachers and numerous tutors, I graduated with fantastic study skills and the self-esteem to go on to College at U.S.C., where I graduated. I am now preparing to continue my education on to the Master's level at UNC-CH. It was suspected by my parents, teachers, and myself that I had a learning disorder called Attention Deficit Disorder. Back in the 1970's doctors and teachers were reluctant to diagnose this disorder because it appeared to be manageable if the child was taught important coping, studying, and impulse-control skills. This is what happened in my case.

For my birth mother's youngest son he was not only formally diagnosed with ADD, ADHD, he was also dyslexic. The DSM-IV cites that both ADD, ADHD and learning disorders, specifically dyslexia are genetic. There are other genetic diseases that I have found in my birth mother's family. Specifically they are: heart disease, high blood pressure, diabetes, colon cancer, pancreatic cancer, lung cancer, emphysema, aneurysms, alcoholism, and Alzheimer's disease. The ONLY medical information that I received from Charlotte-Mecklenburg Department of Social Services in my non-identifying information

was that my birth mother's paternal great-grandfather died of cancer in his 50's. Otherwise D.S.S. stated that the rest of my birth family was in good health.

It is because of the lack of genetic medical history that I sought out my birth mother. My reunion was a happy one. I have received the FULL, UNCONDITIONAL support of my adoptive parents. Each week when I speak to my parents or my birth mother, they each ask how the other is doing just as RELATIVES do. I am proud that my parents told me from a very young age that I was adopted. They had the utmost respect for my birth mother who loved me enough to give me up to another family to raise. My parents have always supported my need to find her, to complete the puzzle. I now have the missing pieces of my genetic medical history and can forge ahead to a future filled with support and love from my parents, birth mother, brothers, grandparents, aunts and uncles. I am an adult adoptee with a choice now. The choice I have made because of the genetic medical history that I received from my birth mother is one that is wise. I have chosen to exercise on a regular basis, eat a healthy diet, and quit smoking by my 27th birthday.

You may ask me, "how does your birth mother feel about all of this?" Well, let me read to you a letter she sent to me after our first meeting...

11-19-97

" My dearest daughter,

So many times over the last 26 years, I have wanted to say those three words. I feel like Dad, I would like to shout it to the world. But, I know I can't do that, at least not now. I really don't know how Mom and Dad would feel if everyone knew about you.

There are still a lot of feelings in my heart of shame and guilt. Not for your birth, but for the act that brought you life.

I have never regretted your birth. I have regretted giving you to someone else. Your mother and father have given me peace in my soul for giving you what I couldn't. I will always be grateful to them for making you the wonderful person that you have become.

God has blessed my life in so many ways. There have been several rocky roads that I have traveled, but He has always been there to ease me across them.

He brought you back into my life at a time when I really needed you. When I moved over here and left S. and S. to live by themselves, I felt the "empty-nest". I seemed to feel as if they didn't need me anymore.

Then God allowed you to find me. Then I knew that I was loved and forgiven by you. This is the greatest gift that God could have given me.

My heart is filled with love and there isn't a day that goes by, that I don't think about you and pray that God will always bless you in your life.

I think back on my young years and wonder how I could have been so dumb and made so many wrong turns. Then I think about you and realize, that out of wrongs, there is a silver lining - That silver lining is you.

We can never recover the lost years, but we can make sure the future holds many happy memories for us.

I love you deeply and will call you Sunday - December 5th seems so far away -

I love you,

Mom "

APPENDIX H

AMERICAN SPEEDY

TEL No.919-933-8981

Mar 2.98 16:44 No.007 P.01

Carolean C.Craig, Adoption Specialist
Another Choice for Black Children, Inc.

Comments on North Carolina's Consideration for an Adoption Registry

Within the adoption process birth parents, adoptive parents and social workers are asked to make decisions which have lifelong consequences. These persons are asked to operate from a genre of honesty and openness. The birth parent is asked to provide accurate and open information concerning their co-parent, health history, family background, and reasons for placing their birth child for adoption. Adoptive parents are asked to share their family backgrounds, health history, beliefs about discipline, reasons for choosing adoption as means of adding to or creating a family, and their hopes for the future of the children they plan to adopt. Social workers are mandated by law and policy to provide accurate medical, family background, educational accomplishments or needs, and behavioral information about the children for whom their agencies are seeking adoptive parents.

Why then, when it comes to sharing basic information to adult adoptees and the birth parents of those adoptees, do we then start to engage in limiting the "purview" of honesty and openness?

Currently North Carolina does not have a registry which would allow adult adoptees and their birth parents even limited information except for non-identifying traits. Many adoptees in this state are placed with adoptive parents when they are older-ages five and above. They remember some information about birth parents, siblings, extended family. How then do we answer them when as adults they start with our state's adoption office, and begin to find that even their birth right information is not available or accurate? How then do we explain that honesty for our purposes is different than everyone else's?

North Carolina is one of the few states left without a registry. Do we continue to operate in secrecy, thereby creating an opportunity for unscrupulous persons to take advantage of those we have sworn to protect? Some adult adoptees have been charged enormous amounts of money by people who had no goal except to exploit. Let us move forward toward legitimizing the end of the process. Let us have a formal registry operated by the state. A nominal fee would allow the registry to be self-supporting.

FAX FAX FAX FAX

TO: Cindy Keen (Attn: Rep.Decker)
FROM: Gail Stern (fax: 919 942-0248)
DATE: February 23, 1998
SUBJ: Adoption Registry Legislative Committee

MANDALA OF CHAPEL HILL-6601 TURKEY FARM RD-CHAPEL HILL NC-27514-(919) 942-5500

CONTAINS 2 SHEET(S) INCLUDING COVER.

MESSAGE:

Here are the comments I made to the committee:

- 1. I'd like to respond to the statement that people choose international adoption to maintain confidentiality. I have an adoption agency with both International and domestic programs. The most common reason for families to choose international adoption is that there are more healthy Caucasian, Hispanic and Asian children available within a shorter waiting period through other countries. It has nothing to do with confidentiality.**
- 2. There seems to be an assumption that confidentiality would be violated more with a registry than without one. Do we not trust the professionals who would have access to this information? They do it every day with new adoption cases so I think their ability to maintain confidentiality has already been proven.**
- 3. I must represent my children who are not yet adults and as long as birth information remains unavailable to them, their birthrights are at stake. The adoption contract written about and for a child is entered into without the child's consent. Other contracts are revised and overturned all the time . . . signing one does not mean it is right or unchangeable.**
- 4. I have four children, one by birth, one by closed adoption, one by semi-open adoption and one by wholly open adoption. Each of my four children has a personal history and each is entitled to know what that history is. To say that birth information**

diminishes our "family structure" is simply false. We have the love, security and confidence as a family to include many others in our "extended family". It adds richness to all our lives to know so many other people love and care about us. The love my children receive from other people does not threaten me, it thrills me!

Comments

~~COMMENTS~~ BY

REP. JANE H. MOSLEY

HOUSE BILL 1206 - ADOPTION REGISTRY

FEBRUARY 25, 1998

MR CHAIRMAN AND MEMBERS OF THIS COMMITTEE, I AM PROUD TO STAND BEFORE YOU TODAY AS A SPONSOR OF HB 1206.

I BELIEVE THAT COMPROMISE ON ISSUES WITHOUT THE COMPROMISE OF PRINCIPLE IS THE HEART OF THE POLITICAL PROCESS.

THERE IS ALMOST ALWAYS TWO SIDES TO EVERY ISSUE.

THERE ARE THOSE WHO WOULD LIKE TO SEE THIS BILL PROVIDE A MUCH FREER FLOW OF INFORMATION.

THERE ARE THOSE WHO WOULD LIKE TO LEAVE THIS ISSUE RIGHT WHERE IT IS.

HB 1206 FALLS SOMEWHERE BETWEEN THOSE TWO OPINIONS.

THIS BILL PROTECTS THE RIGHTS OF THOSE INDIVIDUALS WHO WERE TOLD THAT THEY WOULD NOT BE REVEALED, WHILE AT THE SAME TIME, ALLOWING THE FLOW OF INFORMATION BETWEEN TWO ADULTS WHO HAVE BOTH AGREED TO THAT EXCHANGE.

THIS BILL IS NOT GOING TO SOLVE THE PROBLEM OF EVERY ADULT ADOPTEE LOOKING FOR HIS OR HER BIRTH PARENT.

IT WILL PROVIDE ANOTHER AVENUE FOR THE EXCHANGE OF INFORMATION IF BOTH PARTIES AGREE.

THIS WILL BE ONE MORE TOOL FOR THOSE WHO WANT TO KNOW.

OF COURSE, WE WILL CONTINUE TO ALLOW THE FLOW OF MEDICAL INFORMATION THROUGH THE APPROPRIATE CHANNELS.

LADIES AND GENTLEMEN - THIS BILL IS SIMPLE: IF TWO CONSENTING ADULTS WHO WERE SEPARATED EARLY IN LIFE WANT TO BE FOUND, THEN THE INFORMATION WILL BE AVAILABLE.

IF EITHER PARTY DOES NOT WANT TO BE FOUND THEN THIS BILL WILL NOT HELP.

I HAVE NOT BEEN PRIVILEGED TO ALL OF THE DISCUSSION THAT HAS TAKEN PLACE IN THIS COMMITTEE

I HAVE HEARD THAT THERE ARE THOSE WHO ARE CONCERNED WITH THE POSSIBILITY OF LEAKS.

I BELIEVE THESE FEARS ARE UNFOUNDED.

THERE ARE NO NEW FILES BEING CREATED AND THE SAME AGENCY WITH THE SAME STRICT GUIDELINES WILL BE ADMINISTERING THIS INFORMATION.

I DO NOT BELIEVE THERE IS ANY MORE RISK OF LEAKS UNDER THIS BILL THAN UNDER WHAT CURRENTLY EXIST.

MR CHAIRMAN AND MEMBERS OF THIS COMMITTEE, I WOULD ENCOURAGE YOU TO MOVE THIS BILL FORWARD BY OFFERING A FAVORABLE REPORT.

THANK YOU FOR THE OPPORTUNITY TO SPEAK IN SUPPORT OF HB 1206.

Jan M. ...
HD 63

2-25-98

THE NEWS & OBSERVER

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FRIDAY, JUNE 20, 1997

50 CENTS

Adoptees seek access to genetic history

By ANDREW PARK
STAFF WRITER

Steve Davis never suspected when he went looking for the woman who put him up for adoption almost 50 years ago that he would discover information that could save his life.

In March, shortly after learning that his biological family had a history of deadly cardiac disease, Davis suffered a near-fatal heart attack at his home in Wallace.

The experience has made him a vocal advocate for changes in state

Measure to allow family contact stalls

law that would help adoptees uncover their genetic history and ease the restrictions that keep adoption records sealed.

But for the third legislative session in a row, a bill that would help adoptees and their biological parents get in touch with each other appears to be foundering in the General Assembly.

The measure has been stripped of a provision that would have permitted

social workers to ask biological parents for medical information needed by adoptees, especially adult adoptees.

Under the bill, which is awaiting action in the House Human Resources Committee, the state would establish a registry where adoptees and birth parents looking for information could sign up.

Both would have to put their names on the registry before the state would

help them contact each other.

Forty-seven states, including South Carolina and Virginia, already run some kind of registry to aid adoptees and biological parents in finding each other.

Some states have passive registries, such as the one proposed for North Carolina. Others have registries that activate at the request of just one of the parties — phone calls are made, and if the other party agrees, an intermediary will help

SEE ADOPTION, PAGE 4A

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ADOPTION

CONTINUED FROM PAGE 1A

birth parents and adoptees arrange a meeting.

While most states have been establishing registries over the past two decades, North Carolina has held on to its strict confidentiality laws protecting the privacy and finality of adoptions.

"Generally, the biological parents become legal strangers to the child once the adoption is final," said Bobby Mills, a Raleigh adoption lawyer.

Upon request, the state will provide non-identifying information about birth parents. But often, the records won't have been updated since the child's birth. And if any identifying information gets out, whoever handled the records is subject to a lawsuit.

Adoptees seeking to open records have had no recourse but to go to court, a time-consuming and expensive process.

Advocates for a more open process are baffled at the difficulty of establishing a registry in North Carolina and are upset that the medical information provision was removed from the proposed law.

"I do not understand how we can legislate for other people what seems to be a right," said Sandy Cook, executive director of Children's Home Society, a 102-year-old organization that has handled 25,000 adoptions in North Carolina.

Provision dropped by bill sponsor

"These individuals take adoptees' health very lightly," said Lynn Giddens, who runs North Carolina Adoption Connections, a support group for adopted children and parents. "Adoptees are second-class citizens as far as

Any amendment to the nation's official statement of faith will likely provoke intense debate in King David and King Solomon

STAFF PHOTO BY SCOTT SHARPE



Advocate Lynn Giddens says legislators should take a more serious attitude toward the health of adoptees.

STAFF PHOTO BY JOHN ROTTET

said that attitude is not in keeping with current views held by many of the people most affected by the process.

Cook said she received 1,400 requests for background information last year from former Children's Home clients — adoptees, birth parents and parents who have adopted.

Recent surveys show that close to 90 percent of birth parents would welcome a reunion with their children, according to Marshall Schechter, emeritus professor of child and adolescent psychology at the University of Pennsylvania School of Medicine. And increasingly, adoptees are trying to locate their biological families, he said.

"That need to know from where we derive is a driving constitutional force," said Schechter, whose wife has spent \$10,000 looking for her birth parents.

And adult adoptees say they need to know what health problems their parents and grandparents suffered as they face the health risks of

pounds — the birth weight listed in his baby book.

He looked up his mother's uncommon maiden name in the Wilmington phone book and eventually found her sister.

From her he learned that his birth mother and grandmother had both died of heart disease at relatively young ages, and doctors now say Davis may have inherited the same tendency.

"Without the family history you're a sitting duck," he said.

Worry over genetic conditions

Other adoptees are still searching. Kim Beck, of Clayton, began having serious medical problems when she was 26. Because she had no documented family health history, her insurer required two years of tests before doctors could give her the hysterectomy that she needed. Now she has been diagnosed with Raynaud's disease, a circulatory disorder.

Sandy Cook, executive director of Children's Home Society, a 102-year-old organization that has handled 25,000 adoptions in North Carolina.

Provision dropped by bill sponsor

"These individuals take adoptees' health very lightly," said Lynn Giddens, who runs North Carolina Adoption Connections, a support group for adopted children and parents. "Adoptees are second-class citizens as far as legislators are concerned."

Despite intense lobbying by adoptees, the medical information provision was dropped by the bill's sponsor, Rep. Cary Allred, a Burlington Republican. Allred, who said he wants to see the registry approved, said there was too much objection in the committee to the release of medical information.

Rep. Julia Howard, chair of the Human Resources Committee, in a recent interview refused to say whether she supports a state adoption registry. She has not yet scheduled the bill for a hearing.

But Howard, a Republican from Mocksville, did say many committee members thought that providing medical information would open the door to the accidental release of identities and would jeopardize the confidentiality that protects women who put children up for adoption.

The original bill stipulated that any medical information given to adoptees would be "non-identifying." But Howard said the state would risk exposing birth mothers who assumed they would always have confidentiality.

"It is not in the best interest of the public to change those rules," she said.

Many who work with adoptees, biological and adopting parents

sor of child and adolescent psychology at the University of Pennsylvania School of Medicine. And increasingly, adoptees are trying to locate their biological families, he said.

"That need to know from where we derive is a driving constitutional force," said Schechter, whose wife has spent \$10,000 looking for her birth parents.

And adult adoptees say they need to know what health problems their parents and grandparents suffered as they face the health risks of child-rearing and middle age.

Heart problem a mystery

After working on the roof of his Wallace home one day in March, Davis came down with what he thought was a stomach virus. He stayed home for three days before seeing a gastroenterologist, who suspected heart problems.

Davis, 47, had actually suffered a heart attack. On Tuesday, he underwent quadruple bypass surgery to clear blocked arteries.

On the surface, Davis' heart problems were a mystery. Since 1988, he had jogged five miles a day and had not smoked.

"I knew I had high blood pressure, but I didn't know the genetic key," Davis said. "In a little over eight years, I had heart disease occur that almost killed me."

In a routine release of non-identifying information, the New Hanover County Department of Social Services told Davis that his mother had been healthy in 1949 when he was born in the county. That was all the information the agency had.

Wanting to know more, Davis searched public records until he found the birth certificate for a child born to an unmarried woman on his birthday weighing about six

Worry over genetic conditions

Other adoptees are still searching. Kim Beck, of Clayton, began having serious medical problems when she was 26. Because she had no documented family health history, her insurer required two years of tests before doctors could give her the hysterectomy that she needed. Now she has been diagnosed with Raynaud's disease, a circulatory disorder.

For seven years, Beck has been asking the state for information about her birth parents' medical history. She knows only that her maternal grandparents were both dead by the age of 50. Without additional information, she worries about her three children and what genetic conditions might lie ahead for them.

"You don't know what genes you're carrying that you could pass on to your children," said Beck, who is now 31. "We need to be able to ask questions."

Perhaps the biggest advocate for more open medical information is Giddens, herself an adoptee. She suffered seven miscarriages before learning of a genetic predisposition that shuts down her immune system during pregnancy. Medical bills wiped out her savings, she said, but doctors figured out how to treat her condition and in 1988 she had a child.

Giddens said she badly wants North Carolina to establish an adoption registry, but legislators shouldn't give up until adoptees can get their parents' medical information when they need it.

"This bill is useless without it," she said. "When you're talking about the health of an adoptee, a passive registry isn't going to cut it."

Andrew Park can be reached at 829-4520 or apark@nando.com



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EXHIBIT I

Comparison of HB 1206 with Other Recent Adoption Registry Bills.

Bill Components Relating to Access and Use of an Adoption Registry	HB 1037 (1993) and HB 237 as introduced (1995)	HB 237: House Committee Substitute (1995)	HB 1206 (1997)
Purpose of registry.	To record requests by adopted persons for the name of their biological relatives and any written consents or objections to the release of identity that are <u>made to the county DSS or child placing agency.</u>	To "facilitate voluntary contact between mutually consenting adoptees and their biological relatives".	Same as CS for HB 237.
Who may access registry.	Adoptees, biological relatives	Same.	Same.
Minimum age to access.	Adoptee - 21 Biological sibling - 18	18.	18.
Definition of "biological relative"	Defined as biological parent or parents or biological siblings	Expanded definition of who is a biological father; includes definition fo half-sibling.	Same as CS for HB 237.
How is the registry to be used by adoptees and biological relatives	A. 21 year old adoptee may submit a request to the county DSS or child placing for the identity of biological relatives; B. Biological relatives may make a request to the county DSS or child placing agency that their adult adoptee be contacted and informed of relative's registration of information with the registry.	Adoptees and biological relatives submit directly to the registry: <ul style="list-style-type: none"> • Requests for disclosure. • Consents for disclosure. • Denials of consent to disclose. 	Same as CS for HB 237.
Role of registry staff	Limited to recording information submitted to the registry by the county DSS or child placing agency.	Will match requests and consent forms. If match is found, county DSS or child placing agency will make the contact.	Same as CS for HB 237.
Authorization for records search and confidential contact of biological relative or adoptee.	Yes, county DSS or child placing agency may search records and make contact with biological parent or a biological sibling if 18, if no consent form or denial of consent form is found in the Registry.	No search or contact is ever authorized.	Search and contact of adoptee's former parent or former relative is authorized when the adoptee submits documentation of a need for medical information. Non-identifying information only is given. The former parent and the adoptee shall be informed of the Registry.

Components Relating to Access and Use of an Adoption Registry	HB 1037 (1993)	HB 237 as introduced (1995)	HB 237: House Committee Substitute (1995)	HB 1206 (1997)
Fee	Authorizes the Department to charge a "reasonable fee" for the cost of conducting a search of the Registry. A fee of up to \$300.00 may be charged for the search and other reasonable and necessary actual costs incurred pursuant to the search. No waiver provision.		No set fee provided for, but provides that costs for establishing and maintaining the registry "may" be obtained by user fees. Includes a waiver provision.	Provides that costs associated with the Registry "shall" be obtained from user fees. A fee not less than \$35.00 shall be charged, and includes a waiver provision.
Immunity	Yes.		Yes.	Yes.
Confidentiality	Yes.		Yes.	Yes.
Provision for identification of deceased birth parent	Provision for notification of deceased sibling, but no identifying information given. No similar provision for deceased biological parent.		After a match is made, and the county DSS or child placing agency has information that the person is deceased, the fact of the person's death is disclosed, along with identifying information.	Disclosure of identify is authorized if adoptee is 65 or older even without a match being made.
Publicity	No.		Yes, including a toll-free telephone number.	Yes.
Appropriation	No.		No.	Yes.
Hardship Provision	No.		No.	No.



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TO: Members of the LRC Study Committee on Adoption Registries

FROM: Linda Attarian, Counsel

DATE: February 24, 1998

RE: Georgia Adoption Laws Pertaining to the Release of Sealed Records

Part 1. Statutory procedure for the release of name of biological parent without a court order:

Under current Georgia law, the county department of family and children services or a placement agency must release the name of an adult adoptee's biological parent to the adoptee if:

1. The biological parent whose name is to be released has submitted unrevoked written permission for the release of that parent's name to the adopted person;
2. The identity of the biological parent submitting the permission form has been verified;
3. The department or the placement agency has the possession of the relevant records.

If a biological parent has not filed written unrevoked permission for the release of that parent's name to the adopted child, the department or the placement agency shall make diligent effort to notify each biological parent identified in the records of the department or the placement agency. "Notify" means a personal and confidential contact with each biological parent named on the original birth certificate. Each parent notified is given the following information:

1. The date and nature of the request by the adopted person;
2. The right of each biological parent to file within 60 days of receipt of the notice an affidavit stating that their identity should not be disclosed;
3. The right of each biological parent to file a consent to disclosure at any time; and
4. That the effect of not filing either a consent to disclosure or an affidavit stating that the information in the original birth certificate or sealed adoption file should not be disclosed is that their name will not be disclosed, but the adoptee may petition the Superior Court of Fulton County for its release.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Part 2. Procedure to open a sealed adoption record by petitioning the court:

Georgia law allows a "party at interest in the adoption" to file a petition in the Court of Jurisdiction asking that the sealed record be opened. A party at interest has been identified as an adult adoptee (age 18 or over), the adoptive parents of a child under 18, the agency involved in the adoption, or the biological parent.

The Court of Jurisdiction is the Superior Court of the County where the adoption was finalized and the record was sealed. It is entirely up to the discretion of the judge as to whether the petition will be granted. There are some judges who do not feel that a sealed record should be opened under any circumstances. The majority of the judges are concerned about the biological parents' right to confidentiality when an adult adoptee wants to open the record. They are also concerned about the feelings of the adoptive parents and it is rare for a sealed record to be opened on the petition of a biological parent.

The judges are most likely to grant the petition of the adult adoptee if it is requested that the State Adoption Unit act as intermediary to search out the biological family member to gain their consent to release identifying information to the adoptee and to determine their wishes regarding having contact with the adoptee.

The following process must be followed in filing a petition to open a record:

1. Determine the Court of Jurisdiction.
2. File a petition with that Court.
 - A. In some counties the judge may allow the petitioner to file the petition him/herself, however, in most cases it will probably be necessary to obtain the services of an attorney.
 - B. The petition must provide the reasons why the party wants the sealed record opened and state whether only non-identifying information is desired or whether the petitioner wishes to have contact with the other parties.
 - C. There is very little information maintained in the file at the Court, therefore the petition should request that the sealed files pertaining to the particular adoption held by the Department of Human Resources including any held by Vital Records be opened.
 - D. If there is to be an intermediary, the name should be reflected in the petition and the Court Order. If the State Adoption Unit is named the petition should read: "The State Adoption Unit or their designee", this will allow for use of other staff as needed.
 - E. If the petitioner wishes to have an actual copy of the information in the sealed file this must be stated in the order and should be asked for in the petition.

3. A certified copy of the petition is served on the Department of Human Resources, State Adoption Unit which has 30 days to file any objections.

A. The State Adoption Unit will file a response with the court within the 30 day period. This response will usually state that the Department has no objection to the granting of the petition and would be glad to act as intermediary.

B. The State Adoption Unit would file an objection to a petition filed by a biological parent to open the record of an adopted child still under the age of eighteen (18).

4. Following the 30 day period the judge would hold a hearing in chambers and give his/her decision on the granting of the petition.

5. If the petition is granted the following procedure occurs:

A. A certified copy of the Order is served on the Department of Human Resources, State Adoption Unit.

B. The sealed record is retrieved from microfilm and the State Adoption Specialist notifies the petitioner and/or the attorney.

C. An appointment is set up for the petitioner to meet with the Adoption Specialist and review the information in the sealed record.

1) If the Court Order allows all information to be given to the petitioner this is done at this time.

2) If the State Adoption Unit is named as intermediary the non-identifying information is shared with the petitioner if the Order provides for this and time frames for locating biological family are discussed.

3) The Adoption Specialist will make arrangements for keeping in touch with the petitioner during the search process.

The State Adoption Unit does not charge a fee for acting as intermediary.

LIST OF TELEPHONE CALLS RECEIVED IN THE DIVISION OF SOCIAL SERVICES FROM INDIVIDUALS SEARCHING FOR IDENTIFYING & NON-IDENTIFYING INFORMATION RELEVANT TO THEIR ADOPTION OR AN ADOPTION THAT TOOK PLACE.

1/28/98 - 2/23/98

Who Made Inquiry	Identifying	Non-Identifying
adoptee	x	
sibling	x	
adoptee		x
adoptee		x
worker	x	
aunt	x	
adoptee		x
adoptee		x
adoptee	x	
adoptee	x	
adoptee	x	
adoptee		x
adoptee		x
adoptee		x
adoptee	x	
bio. mom	x	
adoptee	x	
sibling	x	
adoptee		x
adoptee	x	
bio. mom	x	
worker	x	
adoptee	x	
adoptee		x
adoptee		x
adoptee	x	
worker	x	
adoptee	x	
sibling	x	
adoptee	x	
bio. mom	x	
sibling	x	
adoptee		x
adoptee	x	
adoptee	x	
adoptee	x	
sibling	x	
adoptee	x	

DSS (Adoption Unit)

2/24/98

Page 1

Summary of Calls		
category	identifying	non-identifying
adoptee	15	11
sibling	5	
bio. mom	3	0
worker	3	0
relative	1	0
Total	27	11
Number of Letters Received During the Same Time Period		
Approximately 15		

**The Children's Home Society of NC
Survey – Access to Adoption Information**

Approximately 6,000 surveys were mailed to 900 adoptees, 100 birth parents, and 5,000 adoptive parents.

2,263 surveys were returned. Of those who responded, 1,782 were adoptive parents, 66 were birth parents, and 392 were adoptees.

. . . Results . . .

1. Do you feel that members of the adoption triad should ever be allowed access to identifying information from adoption records?

Yes	1,628	72%
No	490	22%
No answer	145	6%

2. Should adoptees be allowed access to identifying information?

• Age 18 upon request	279	12%
• Age 18 with birth parent consent only	233	10%
• Age 21 upon request	485	21%
• Age 21 with birth parent consent only	805	36%
• Only in medical emergency with court order	322	14%
• Never	113	5%
• No answer	26	1%

3. Should birth parents be allowed access to identifying information?

• When adoptee reaches age 18 upon request	154	7%
• When adoptee reaches age 18 only with adoptee consent	272	12%
• When adoptee reaches age 21 upon request	206	9%
• When adoptee reaches age 21 only with adoptee consent	983	43%
• Never	617	27%
• No answer	31	1%

4. Should adoptive parents be allowed access to identifying information?

• When and if they feel a search is in the best interest of their child before the child is of legal age (age 18) upon request	835	37%
• When and if they feel a search is in the best interest of their child only with birth parent approval	1,010	45%
• Never	359	16%
• No answer	59	2%

5. Do you feel that an agency should be used as an intermediary if access to identifying information were allowed?

Yes	1,994	88%
No	195	9%
No answer	74	3%

Should this be...	mandatory?	1,171	52%
	by choice?	752	33%
	No answer	340	15%

6. Should counseling be required if access to identifying information were allowed?

Yes	1,548	68%
No	567	25%
No answer	148	7%

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

98-RMZ-03

Short Title: Adoption Registry.

(Public)

Sponsors:

Referred to:

March 11, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE ADOPTION LAWS PERTAINING TO ACCESS TO
3 ADOPTION RECORDS, AND TO ESTABLISH AN ADOPTION REGISTRY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 48 of the General Statutes is amended by adding the
6 following new Article to read:

7 "ARTICLE 11.

8 "Adoption Registry.

9 "§ 48-11-101. Department to maintain mutual consent voluntary adoption registry;
10 when disclosure authorized.

11 (a) The Department shall establish and maintain a statewide, confidential, mutual
12 consent, voluntary adoption registry for receiving, filing, and retaining documents that
13 request, authorize, or deny authorization of the release of identifying information.
14 The purpose of the registry shall be to facilitate voluntary contact between mutually
15 consenting adopted persons and their biological relatives.

16 (b) The use of the registry shall be limited to adoptees who have reached the age
17 of 18 years and their biological relatives. For purposes of this section, 'biological
18 relative' includes only:

19 (1) The biological mother of an adoptee; and

20 (2) The biological father of an adoptee if such person:

21 a. Is presumed by law to be the biological father of the
22 adoptee;

b. Established his paternity judicially or by affidavit which has been filed in a central registry maintained by the Department.

c. Legitimated the adoptee pursuant to the provisions of G.S. 49-10 or by marriage to the biological mother of the adoptee; or

d. Provided substantial financial support or consistent care with respect to the adoptee and the biological mother prior to the adoption; and

(3) An adoptee's biological sibling or biological half-sibling who has reached the age of 18 years. A half-sibling related to an adoptee through his biological father shall only be eligible to use the registry if his biological father is eligible to use the registry.

(c) No person shall be permitted to use the registry to obtain identifying information until the person about whom the information is requested has reached the age of 18 years.

(d) A person eligible to use the registry may consent to the disclosure of identifying information about the person or request the disclosure of identifying information about an adoptee or a biological relative by filing with the Department a consent form that sets forth the following information to the extent known by the person submitting the form:

(1) The current name, address, and telephone number of the person submitting the form;

(2) Any prior names used by that person;

(3) The original or adopted name of the adoptee;

(4) The place and date of birth, and sex, of the adoptee;

(5) The name and address of the agency that placed the adoptee or prepared the report to the court;

(6) The persons to whom identifying information about the person submitting the consent form may be disclosed; and

(7) If submitted by a biological relative, the relationship of the relative to the adoptee.

(e) The person submitting the consent form shall notify the registry of any change in the person's name, address, or telephone number that occurs after the person files the consent form.

(f) No identifying information about an adoptee may be disclosed to a biological relative unless that relative has been designated to receive identifying information by the adoptee on the adoptee's consent form.

(g) An adoptee or a biological relative may submit a denial of consent form with the registry, which shall remain in effect until such time, if ever, the person revokes the form.

(h) Any form filed with the registry:

(1) Shall be notarized;

(2) Is effective as of the time it is filed with the registry; and

1 (3) May be revoked at any time by the person who submitted it.

2 (i) No consent or revocation form may be accepted by the registry until the
3 person submitting it presents satisfactory proof of the person's identity in accordance
4 with rules adopted by the Social Services Commission.

5 (j) The Department shall recommend to a person submitting any form with the
6 registry that the person obtain counseling, voluntarily, at that person's own cost, from
7 a licensed counselor.

8 (k) The Department shall process each consent form filed with the registry in an
9 attempt to match the adoptee with a biological relative. It shall be determined that
10 there is a match when an adoptee and a biological relative have both filed consent
11 forms with the registry designating the other as a person to whom identifying
12 information may be disclosed.

13 (l) If it is determined that there is a match, then the Department shall, within one
14 month of the filing of the second of the corresponding consent forms, send a copy of
15 the corresponding consent forms to the agency that placed the adoptee or prepared
16 the report to the court. That agency shall contact the persons who submitted the
17 consent forms. The agency shall then notify the persons submitting the consent forms
18 of the match and the agency shall disclose to them the identifying information
19 contained in the consent forms. No identifying information may be disclosed
20 pursuant to this section, however, until it is determined there is a match.

21 (m) If the adoptee was placed by a licensed child-placing agency that is no longer
22 in existence at the time the consent form is filed with the registry, then any
23 notification or disclosure required by this section shall be made by an employee or
24 agent of the Department.

25 (n) All communications with adoptees and biological relatives required by this
26 section shall be made in a confidential manner by a social worker who has expertise
27 in post-adoption services.

28 (o) If the agency has information that the person about whom identifying
29 information is requested is deceased, the fact of the person's death shall be disclosed
30 to the requesting person. No identifying information about the deceased person may
31 be disclosed, except pursuant to G.S. 48-9-104(b), unless the registry has on file an
32 unrevoked consent form filed by the deceased authorizing the disclosure of
33 identifying information to the requesting person.

34 (p) Users fees shall be collected to off-set the costs of maintaining the registry.
35 The user fee shall be fifty dollars (\$50.00) and shall be charged to persons who use
36 the registry. Any fees authorized by this subsection may be waived for any person
37 who provides an affidavit of financial inability to pay the fee.

38 (q) The Social Services Commission shall adopt rules for use of and access to the
39 registry in accordance with the requirements of this Article.

40 (r) The registry shall obtain only information necessary for identifying registrants.
41 In no event shall the registry obtain or release information of any kind pertaining to
42 the adoptive parents or siblings to the adult adoptee who are children of the adoptive
43 parent.

1 (s) Any employee or authorized agent of an agency or the Department who
2 releases information or makes authorized contacts in good faith and in compliance
3 with this Article shall be immune from civil and criminal liability for the release of
4 information or authorized contact.

5 **"§ 48-11-102. Department to publicize the registry.**

6 The Department shall announce and publicize to the general public the existence
7 of the registry and the procedure for the consensual release of identifying
8 information.

9 **"§ 48-11-103. Department to provide necessary forms and cooperate with registries in**
10 other states.

11 The Department shall develop and furnish any forms necessary to carry out the
12 provisions of this act. The Department shall cooperate with registries in other states
13 to facilitate the matching of documents filed pursuant to this Act by individuals in
14 different states."

15 Section 2. G.S. 48-9-103(e) reads as rewritten:

16 "(e) If the court or the agency receives information from an adoptee's former
17 parent or from an adoptee's former relative about a health or genetic condition that
18 may affect the health of the adoptee or the adoptee's child, an appropriate employee
19 shall make a reasonable effort to contact and forward the information to an adoptee
20 who is 18 or more years of age, or an adoptive parent of an adoptee who is under 18
21 years of age. If an adoptee, who is 18 years of age or older, or an adoptive parent of
22 a minor adoptee submits medical documentation to the agency showing a need for
23 accurate, updated information about a health or genetic condition that may affect the
24 health of the adoptee or the adoptee's child, then an appropriate employee of the
25 agency shall make a reasonable effort to contact the adoptee's former parent or
26 former relative to obtain current information, and shall forward the nonidentifying
27 information to the adoptee or the adoptive parent of a minor adoptee. If at any time
28 during contact with the adoptee's former parent the former parent expresses a desire
29 to make contact with the adoptee, then the employee shall provide the former parent
30 and the adoptee or the adoptive parent of a minor adoptee with information about
31 the adoption registry established under G.S. 48-11-101."

32 Section 3. Article 1 of Chapter 48 of the General Statutes is amended by
33 adding the following new sections to read:

34 **"§ 48-1-110. Agency responsibility upon dissolution of adoption.**

35 If after an adoption becomes final under this Chapter, the minor adoptee is placed
36 into foster care or otherwise eligible for adoption, the agency that placed the minor
37 adoptee in the initial adoption or, in a direct placement, the agency that prepared the
38 report to the court shall notify a member of the adoptee's biological family of the
39 placement. If requested by a member of the adoptee's biological family, that agency
40 shall review the biological family's current circumstances for possible readoption
41 under this Chapter.

42 **"§ 48-1-111. Agency may disclose a past occurrence of an adoption dissolution to**
43 biological parent.

1 Upon written request of the biological parent, the agency that placed the minor
2 adoptee in the initial adoption or, in a direct placement, the agency that prepared the
3 report to the court may disclose to that biological parent the fact that a finalized
4 adoption was dissolved."

5 Section 4. G.S. 48-9-104 reads as rewritten:

6 "**§ 48-9-104. Release of identifying information.**

7 (a) Except as provided in subsection (b) of this section, No no person or entity
8 shall release from any records retained and sealed under this Article the name,
9 address, or other information that reasonably could be expected to lead directly to
10 the identity of an adoptee, any siblings to the adoptee who are children of the
11 adoptive parent, an adoptive parent of an adoptee, an adoptee's parent at birth, or an
12 individual who, but for the adoption, would be the adoptee's biological sibling or
13 grandparent, except upon order of the court for cause pursuant to G.S. 48-9-105.

14 (b) The Department may release to an adoptee aged 55 years or older, upon
15 request, identifying information about the adoptee's deceased biological mother or
16 deceased biological father, or both, from the records retained and sealed under this
17 Article. The Department shall not release identifying information about a biological
18 parent under this subsection unless the Department is able to confirm through death
19 records or otherwise, that the biological parent is deceased at the time of the
20 request."

21 Section 5. There is appropriated from the General Fund to the
22 Department of Health and Human Resources the sum of three hundred sixteen
23 thousand four hundred eighty six dollars (\$316,486) for the 1998-99 fiscal year to
24 establish and maintain the registry.

25 Section 6. Section 5 of this act becomes effective on July 1, 1998. The
26 remainder of this act becomes effective on January 1, 1999.

**LEGISLATIVE PROPOSAL-A BILL TO BE ENTITLED:
AN ACT TO AMEND THE ADOPTION LAWS PERTAINING TO ACCESS TO ADOPTION
RECORDS, AND TO ESTABLISH AN ADOPTION REGISTRY.**

Summary of the Bill:

Section One: The bill will add a new Article to Chapter 48 of the General Statutes which would establish a statewide, mutual consent, voluntary adoption registry. The registry is to be maintained by the Department of Health and Human Services. Only adult adoptees and their biological relatives will be authorized to submit consent forms to the registry. The forms would include information about the person's identity, location, telephone number, and could be updated or revoked at any time.

The Department is directed to process each form as it is received, and must attempt to match the adoptee and a biological relative. There is a match when an adoptee and a biological relative have both submitted forms to the registry designating the other as a person to whom identifying information may be disclosed. If a match is found, the Department is to notify, within one month, the agency that placed the adoptee, and that agency is to make confidential contact to the persons who submitted the forms, and disclose the identifying information to them. If the agency has information that the person is deceased, the fact of the person's death would be disclosed, but no identifying information may be disclosed unless the registry has an unrevoked consent form submitted by the deceased or the adoptee of the deceased is at least 55 years old.

The costs for maintaining the registry is to be offset by a \$50.00 user fee, which may be waived in the event of financial hardship. The Department is to publicize the registry, develop and furnish all necessary forms, and cooperate with registries in other states to facilitate with finding matches.

Section Two: The bill amends current law which authorizes the Department, in the event that the adoptee's former parent comes forward with health or genetic information that may affect the health of the adoptee or the adoptee's child, to locate and contact an adult adoptee or the parent of a minor adoptee and forward the non-identifying information to them. The bill would expand this authority to allow the Department to make confidential contact with a former parent to obtain current health or genetic information if the adult adoptee, or the minor adoptee's adoptive parent shows a medical need for the information. If, during this contact, the former parent expresses a desire to contact the adoptee directly, the Department will provide both parties with information about the registry.

Section Three: The bill would add two new sections to Article 1 of Chapter 48 to require that, in the event an adoption is dissolved, the adoptee's biological family is to be notified that the child has been placed into foster care. Further, at the biological family's request, the agency must review the biological family's current circumstances for possible readoption. The second section authorizes an agency to tell a birth parent, upon written request, that a finalized adoption was dissolved.

Section Four: This section amends Article 9 of Chapter 48 to provide for an exception to the general prohibition against the release of identifying information without a court order or through the proposed registry. The bill would authorize the Department to release the identity of a deceased biological parent to an adoptee who is at least 55 years of age.

Section Five: Appropriated one year of funding to establish and maintain the registry.



North Carolina Department of Health and Human Services
Division of Social Services

325 North Salisbury Street • Raleigh, North Carolina 27603
Courier # 56-20-25

James B. Hunt, Jr., Governor
H. David Bruton, M.D., Secretary

Kevin M. FitzGerald, Director
(919) 733-3055

March 19, 1998

MEMORANDUM

To: Linda Attarian, Staff Attorney
Research Divisions

Through: Lee Kittredge, Director *LK/sc*
Division of Budget, Planning and Analysis

From: Kevin FitzGerald *KMF*

Re: **Projected Fiscal Impact Associated with
Establishing an Adoption Registry**

Pursuant to the request of the Legislative Research Commission on Adoption Registry, please find attached the Division of Social Services' projected five year fiscal impact analysis associated with the establishment of a mutual consent voluntary adoption registry as detailed in the current edition of HB 1206, Adoption Registry.

Should you have any questions, please contact Sharnese Ransome at 733-3055.

Attachment

c: James Edgerton
Nels Roseland

PROJECTED FIVE YEAR FISCAL IMPACT ASSOCIATED WITH THE ESTABLISHMENT OF AN ADOPTION REGISTRY, PURSUANT TO HB 1206

House Bill 1206 would establish a mutual consent voluntary adoption registry in the Department of Health and Human Services. The purpose of the registry is to facilitate voluntary contact between mutually consenting adopted persons and their biological relatives. The assumptions used to develop the five year projected costs analysis pursuant to the requirement of HB 1206 are outlined below.

Since North Carolina does not currently have a similar registry, information in the analysis is based on the experiences of other states that do have a similar registry, the number of adoptions in the State each year, and the number of requests for identifying and non-identifying adoption information that DHHS staffs currently receive.

ASSUMPTIONS:

1. Estimated number of adoption inquiries per year: Between SFY 1986-1997, there were 31,952 adoptions finalized in the State, with an average of 2,904 adoptions per year. It is estimated that approximately 750 telephonic and written requests for adoption information were received last state fiscal year. Assuming that the number of such inquiries will increase by 33% with the establishment of a formal registry, it is estimated that we will have approximately 1000 inquires during the first year of operation. Because the annual number of finalized adoptions is increasing, we estimate that the number of inquires will increase by 15% each year following the initial year of operation.

2. State Staff to Support the Registry: Based on the experiences of other states, it is estimated that three adoption consultants and one administrative support staff will be needed to efficiently manage the registry during the first two years. In the third year, we anticipate the number of inquires would have increased to a level that would necessitate an additional consultant and administrative support position. The total staff anticipated in years 3-5 is six.

3. Registry/Tracking System: The estimated cost to develop the automated adoption registry tracking system is \$8,000. The estimated cost to maintain the automated system on an annual basis is \$5,000.

4. Public Awareness Campaign: Section 5 of HB 1206 instructs the Department of Health and Human Services to announce and publicize to the general public the existence of the registry and the procedures for consensual release of identifying information. We anticipate developing a public awareness campaign that would include notification to the general public, private adoption agencies, and other interested persons through presentations at conferences and other meetings, advertisements in newspapers and other publications, public services announcements, and maintenance of a toll free telephone number.

5. Availability of matching federal funds: There are no federal matching funds available to support the adoption registry. The system will need to be supported by a combination of state funds user fees.

6. Revenues: Section 1 of HB 1206 establishes a user fee of not less than \$35.00; however, it waives the fee in whole or part if the requesting party provides satisfactory proof of their inability to pay the fee. This complicates projections of user fees. Our analysis assumes that 20% of the inquiries will be unable to pay the required fee.

The five year projected costs analysis for establishing and maintaining the registry is outlined in the attached fiscal analysis. The cost analysis includes: a) adoption registry tracking system and maintenance; b) public awareness campaign; c) state staff; and d) revenues.

Children's Services 5 Year Proposed Adoption Registry Staff Budget

Year One and Start Up Costs				
1998-1999				
Office/Registry		Adoption Consultants		Administrative Support Staff
Office Furn/Equip	\$3,000	3	1	\$ 12,000
Computer	\$4,000			\$ 16,000
Develop Adoption Registry	\$8,000			\$ 8,000
Tracking Maintenance	\$ 5,000			\$ 5,000
Public Awareness	\$50,000			\$ 50,000
Sub Total				\$ 91,000
Staff				
Adoption Consultant		Adoption Consultants		Administrative Staff
Grade 72				Clerk V
Salary	\$40,547	x3	\$121,641	\$24,130
Social Security	\$3,102	x3	\$9,306	\$1,846
Retirement	\$4,391	x3	\$13,173	\$2,621
Hospitalization	\$1,736	x3	\$5,208	\$1,736
Office Supplies	\$1,000	x3	\$3,000	\$1,000
Travel	\$1,000	x3	\$3,000	\$1,000
Telephone	\$1,500	x3	\$4,500	\$1,000
Postage	\$1,000	x3	\$3,000	\$0
Printing	\$2,000	x3	\$6,000	\$0
Employee Training	\$2,000	x3	\$6,000	\$1,000
Other Misc. Exp.	\$800	x3	\$2,400	\$0
Dues & Subscription	\$200	x3	\$600	\$0
Ed. Supplies	\$4,275	x3	\$12,825	\$500
			\$190,653	\$34,833
Sub Total				\$225,486
GRAND TOTAL		\$316,486		
Revenue				
Registration Fee \$35.00 x 1,000 inquiries = \$35,000 less 20% =\$28,000				

DSS/CS
3/19/98

Children's Services 5 Year Proposed Adoption Registry Staff Budget

Year Two				
1999-2000				

Children's Services 5 Year Proposed Adoption Registry Staff Budget

Year Three						
2000-2001						
Adoption Registry Tracking System Maintenance			\$5,000			
Public Awareness Campaign			\$ 50,000			
Sub Total					\$55,000	
Four Adoption Consultants				Administrative Staff		
Salary	\$40,547	x4	\$ 162,188	2x	\$24,130	\$ 48,260
Social Security	\$3,102	x4	\$ 12,408	2x	\$ 1,856	\$ 3,712
Retirement	\$4,391	x4	\$ 17,564	2x	\$ 2,621	\$ 5,242
Hospitalization	\$1,736	x4	\$ 6,944	2x	\$ 1,736	\$ 3,472
Office Supplies	\$2,500	x4	\$ 10,000	2x	\$ 1,500	\$ 3,000
Travel	\$1,000	x4	\$ 4,000	2x	\$ 1,000	\$ 2,000
Telephone	\$2,000	x4	\$ 8,000	2x	\$ 1,500	\$ 3,000
Postage	\$1,500	x4	\$ 6,000	2x	\$0	\$0
Printing	\$3,500	x4	\$ 14,000	2x	\$0	\$0
Employee Training	\$2,000	x4	\$ 8,000	2x	\$ 1,000	\$ 2,000
Other Misc. Expenses	\$1,500	x4	\$ 6,000	2x	\$0	\$0
Dues & Subscriptions	\$500	x4	\$ 2,000	2x	\$0	\$0
Educational Supplies	\$4,275	x4	\$ 17,100	2x	\$ 500	\$ 1,000
			\$ 274,204		\$ 71,686	
Sub Total					\$ 345,890	
GRAND TOTAL		\$ 400,890				
Revenue Registration Fees		\$35.00 x 1,323 inquiries = \$46,305 less 20% = \$37,044				

Children's Services 5 Year Proposed Adoption Registry Staff Budget

Year Four
2001-2002

Adoption Registry Tracking System Maintenance	\$5,000	
Public Awareness Campaign	\$ 50,000	
Sub Total		\$55,000

Four Adoption Consultants				Administrative Staff			
Salary	\$40,547	x4	\$ 162,188	2x	\$24,130	\$ 48,260	
Social Security	\$3,102	x4	\$ 12,408	2x	\$ 1,856	\$ 3,712	
Retirement	\$4,391	x4	\$ 17,564	2x	\$ 2,621	\$ 5,242	
Hospitalization	\$1,736	x4	\$ 6,944	2x	\$ 1,736	\$ 3,472	
Office Supplies	\$2,500	x4	\$ 10,000	2x	\$ 1,500	\$ 3,000	
Travel	\$1,000	x4	\$ 4,000	2x	\$ 1,000	\$ 2,000	
Telephone	\$2,000	x4	\$ 8,000	2x	\$ 1,500	\$ 3,000	
Postage	\$1,500	x4	\$ 6,000	2x	\$0	\$0	
Printing	\$3,500	x4	\$ 14,000	2x	\$0	\$0	
Employee Training	\$2,000	x4	\$ 8,000	2x	\$ 1,000	\$ 2,000	
Other Misc. Expenses	\$1,500	x4	\$ 6,000	2x	\$0	\$0	
Dues & Subscriptions	\$500	x4	\$ 2,000	2x	\$0	\$0	
Educational Supplies	\$4,275	x4	\$ 17,100	2x	\$ 500	\$ 1,000	
			\$ 274,204			\$ 71,686	
Sub Total							\$ 345,890
GRAND TOTAL	\$ 400,890						

Revenue Registration Fees \$35.00 x 1,521 inquiries = \$53,235 less 20% =\$42,588

Children's Services 5 Year Proposed Adoption Registry Staff Budget

Year Five
2002-2003

Adoption Registry Tracking System Maintenance	\$5,000	
Public Awareness Campaign	\$ 50,000	
Sub Total		\$55,000

Four Adoption Consultants

Administrative Staff

Salary	\$40,547	x4	\$ 162,188	2x	\$ 24,130	\$ 48,260
Social Security	\$3,102	x4	\$ 12,408	2x	\$ 1,856	\$ 3,712
Retirement	\$4,391	x4	\$ 17,564	2x	\$ 2,621	\$ 5,242
Hospitalization	\$1,736	x4	\$ 6,944	2x	\$ 1,736	\$ 3,472
Office Supplies	\$2,500	x4	\$ 10,000	2x	\$ 1,500	\$ 3,000
Travel	\$1,000	x4	\$ 4,000	2x	\$ 1,000	\$ 2,000
Telephone	\$2,000	x4	\$ 8,000	2x	\$ 1,500	\$ 3,000
Postage	\$1,500	x4	\$ 6,000	2x	\$0	\$0
Printing	\$3,500	x4	\$ 14,000	2x	\$0	\$0
Employee Training	\$2,000	x4	\$ 8,000	2x	\$ 1,000	\$ 2,000
Other Misc. Expenses	\$1,500	x4	\$ 6,000	2x	\$0	\$0
Dues & Subscriptions	\$500	x4	\$ 2,000	2x	\$0	\$0
Educational Supplies	\$4,275	x4	\$ 17,100	2x	\$ 500	\$ 1,000

Sub Total	\$ 274,204	\$ 71,686
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GRAND TOTAL	\$ 400,890	\$ 345,890
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Revenue	Registration Fees	\$35.00 x1,749 inquiries = \$61,215 less 20% = \$48,972
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Children's Services Proposed Adoption Registry Staff Budget

Total Requirements for 5 Years					
Years	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003
Total Requirements	\$ 316,486	\$ 280,486	\$ 400,890	\$ 400,890	\$400,890
State Appropriation	\$ 316,486	\$ 280,486	\$ 400,890	\$ 400,890	\$400,890
Revenue	\$ 28,000	\$ 32,200	\$ 37,044	\$ 42,588	\$ 48,972